

**MINUTES
TO BE
APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, December 17, 2014

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Brian Clegg, Parks Director; Nick Geer, Financial Analyst, and Julie Brown, Event Coordinator.

CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:02 p.m.

**I. CLOSED SESSION
DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR
PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL;**

**STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR
LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER
RIGHT OR WATER SHARES.**

COUNCIL: Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, and Justin D. Stoker. Councilmember Ben Southworth arrived at 5:10 p.m.

STAFF: Bryce Haderlie, Interim City Manager, Jeff Robinson, City Attorney, and David Clemence, Real Property Agent.

MOTION: Councilmember Nichols moved to go into a Closed Session to discuss the character, professional competence, or physical or mental health of an individual; and a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

The Council convened into a Closed Session at 5:03 p.m.

Councilmember Southworth arrived at 5:10 p.m.

The Council recessed the Closed Session at 6:05 p.m. and reconvened the meeting at 6:07 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nick Geer.

III. COMMUNICATIONS

a. INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Per previous Council direction, further information had been gathered regarding the low number of responses to the RFP for audio/video streaming equipment. Reports indicated that the RFP had been too vague and had not allowed sufficient time for potential vendors to prepare their responses. The Council agreed to reject those responses, re-work the RFP, and put it back out for proposals.

b. STAFF COMMENTS/REPORTS

David Oka –

- Regarding the Prison Relocation Commission, despite the fact that the property owners had withdrawn their property from consideration, staff was assembling an information packet outlining the information gleaned from the recent Town Meeting that was held on the subject. Mr. Oka expressed his appreciation to all the other departments that had assisted on the issue.

Ryan Bradshaw-

- Updated the Council regarding the status of the City's online payment system. He explained that PayPal had reported the potential for a security breach and that a system upgrade was required to mitigate the breach. The upgrade caused a disconnect between PayPal and Pentamation which would have been both time-

consuming and expensive to repair. It made more sense to move forward with the new on-line payment program which he was hoping would be up and running by mid-January.

Wendell Rigby-

- A residential/commercial water meter position had become available due to a recent promotion. Mr. Rigby anticipated moving forward with that immediately.
- Curbside Christmas tree recycling would be available from December 29 through January 9. For those without curbside recycling, there would be drop-off locations available at the West Jordan Soccer Park, Constitution Park and the West Jordan Community Swimming Pool.

Marc McElreath-

- Updated the Council on the progress of Station 54/Police Substation construction project. Mud and taping was in progress and painting was to begin on Friday, December 19. Project was on target for crews to move back into the building by April 1, 2015.
- Chief Doug Diamond of the Police Department was elected to take over as the Chairperson for the Operations Board of Valley Emergency Communication Center (VECC) and would assume that role as of January.

Doug Diamond-

- Two new police officers were scheduled to graduate Thursday, December 18 from the P.O.S.T. Academy (Peace Officer Standards and Training) at 11am. Two others had graduated the previous week from the Salt Lake Community College Law Enforcement Academy. Badge pinning for all four officers would take place on January 7 at 4:30 p.m.

CITY COUNCIL COMMENTS/REPORTS

Councilmember McConnehey –

- Expressed frustration with the current phone system, and how difficult it was to reach specific employees. He requested an update on the status of a new phone system. Mr. Haderlie explained that implementation would begin in January. Councilmember McConnehey requested that a change be made to the current system in the meantime so that callers could more easily reach a live human being.

Councilmember Hansen –

- Expressed her appreciation to City Staff for their hard work and assistance during what had been a difficult year.

Councilmember Nichols –

- Indicated how proud he was of the community at large and the way in which everyone came together earlier in the week and let their voices be heard in opposition to building a prison in West Jordan.

Councilmember Southworth-

- Also expressed his pleasure with the team effort that was displayed by the Council, staff, citizens, land owners, land developers, etc. who rallied together to fight a just cause.

Councilmember Stoker-

- Indicated that he concurred with the comments made by Councilmembers Nichols and Southworth.

Mayor Rolfe –

- Expressed his appreciation for the staff, the citizens, the Jones family, Boeing, and the Jordan School District in addition to many others. He pointed out, however, that the fight was not over for West Jordan until they were officially removed from the list of potential prison sites. Residents were still encouraged to attend the Prison Relocation Commission meeting on Monday, December 22, contact members of that commission and their local representatives, and sign the on-line petition.

Councilmember Haaga-

- Pointed out that Salt Lake County unanimously passed a resolution in opposition to relocating the prison to a West Jordan location.

IV. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, asked that the group pause to reflect upon common goals before beginning the business of the meeting. She expressed her appreciation to everyone for their efforts. She asked that the Council do all they could to make the West Jordan Animal Shelter a No-Kill Shelter. Finally, she commended the Police Department for the job they did recently in apprehending some armed robbery suspects.

Nadalee Nunnelee, West Jordan resident, wished to address the Council regarding the fact that the City had lost, and continued to lose, many seasoned and experienced law enforcement officers to surrounding agencies due to lower pay. Each departing officer represented a financial loss of approximately \$100,000.00 to the City when one considered the funds spent on background checks, hiring and training of each officer. Although she was happy that the Council previously approved a pay raise but it primarily addressed supervisors and did nothing for the mid-level officers with four to ten years of experience. She urged the Council to take the necessary steps to ensure that West Jordan's Police Department did not become one comprised of inexperienced officers.

There was no one else who wished to speak.

V. CONSENT ITEMS

- 5.a Approve the minutes of November 19, 2014, and December 3, 2014 as presented**
- 5.b Approve Resolution 14-227, confirming the City Council appointment of members to serve on the various committees [Bryce Haderlie]**
- 5.c Approve Resolution 14-228, authorizing the Mayor to execute an Agreement between the City and Salt Lake County for the Tier II 'Zoo, Arts, and Parks' funding for the West Jordan Arts Council [Bryce Haderlie]**
- 5.d Approve Resolution 14-229, approving funding of the Deputy Director of Public Works position [Wendell Rigby]**
- 5.e Approve Resolution 14-230, authorizing Staff to close 1300 West 8200 South, and 4000 West 9250 South for 45 and 30 days respectively, to accommodate the Bingham Creek Culvert Replacement Project at 1300 West 8200 South, and 4000 West 9250 South [Wendell Rigby]**
- 5.f Approve Resolution 14-231, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Hansen Allen & Luce, Inc., for the Secondary Water Master Plan in an amount not to exceed \$25,100.00 [Wendell Rigby]**
- 5.g Approve Resolution 14-232, authorizing the Mayor to execute a Federal Aid Agreement between the Utah Department of Transportation (UDOT) and the City for intersection improvement as 7800 South 1300 West in an amount not to exceed \$32,677.00 [Wendell Rigby]**
- 5.h Approve Ordinance 14-37, vacating a portion of 3620 West between 7800 South and 7825 South [Tom Burdett]**
- 5.i Approve Resolution 14-233, opposing the location of a new State prison in the City [Bryce Haderlie]**

MOTION: Councilmember Nichols moved to approve Consent Items 5.a through 5.i. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

VI. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-233, ACCEPTING THE AUDIT REPORT AND PRESENTATION OF THE CONSOLIDATED ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014

Ryan Bradshaw expressed his appreciation for those individuals and departments who participated in compiling the information within the report. He turned the time over to Marcus Arbuckle, a partner of the firm Kedington and Christensen, LLC. He reviewed the audit report of the City. He pointed out that one of the Council's responsibilities was oversight over the financial reporting process and that City management bore the responsibility for preparing the financial statements. He also stated that an audit did not relieve either of those bodies of their respective responsibilities.

One area for improvement that his firm identified concerned the City's financial closing reporting process. Some areas were not being properly reviewed, resulting in several errors that came to light during the auditing process. He also recommended that the reporting be done in a timelier manner. The best finance departments had a schedule wherein each employee had a list of responsibilities to be met on a monthly, quarterly and annual basis and then an additional person was to review each of those areas. He encouraged the City to tighten those controls within the financial reporting process.

A second area for improvement that was identified during the audit involved expenditures in excess of budget. There were expenditures over budget in both the Kraftmaid SID fund and the City capital support fund. Mr. Arbuckle recommended that the City amend those budgets at year end.

The only other area of non-compliance involved Utah's Open and Public Meetings Act. The Act required that meeting minutes be uploaded to the Utah Public Notice website within three days of approval. The meeting dates that his firm checked did not meet that requirement.

Ryan Bradshaw explained that he and the auditors would soon begin the process of setting up monthly, quarterly and yearly checklists that Mr. Arbuckle had referenced in his report. Regarding the matter of being over budget in Capital Support, that was due to the

refunding of the General Obligation Bond. He had forgotten to return to the Council and obtain their approval for that expenditure. The effect to the fund was zero however. Similarly, regarding the Kraftmaid SID, there was a developer reimbursement as part of the project that came from the Water Fund. The funds were paid through the Kraftmaid SID fund so revenue came in and the expense went out for a zero effect to the budget. Regarding the posting of public meeting minutes to the Utah Public Notice website, the City Clerk posts a link to the City's minutes on the website, making them available to the public almost instantaneously.

Councilmember Haaga pointed out that the City's sales tax revenues are up 5% from last year.

MOTION: Councilmember Nichols moved to approve Resolution 14-233. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-234, RECOMMENDATION FROM HANSEN, ALLEN & LUCE REGARDING THE CITY'S WATER CONSERVATION PLAN UPDATE

West Jordan submitted its first formal water conservation plan to the Utah Division of Water Resources in October 2004, in compliance with the Utah Water Conservation Plan Act (73-10-32 UCA). This state law required each municipality to submit a plan update once every 5 years. West Jordan's next plan update was due by the end of 2014.

In the past, the City of West Jordan had carried out several small scale water conservation programs (public education, school programs, toilet rebates, water-wise plant rebates, landscape ordinances, landscape awards, etc). Conservation programs were funded in past years as shown in the table below. Programs were discontinued in 2012 in an effort to reduce expenses and keep water rates low.

Fiscal Yr:	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15 (est)
City Funds	\$33,021	\$49,186	\$71,902	\$50,435	\$1,350	\$348	\$3,375	0	0	\$6,600
JVWCD Grant	0	\$50,000	0	\$30,260	0	0	0	0	0	\$50,000
Totals	\$33,021	\$99,186	\$71,902	\$80,695	\$1,350	\$348	\$3,375	0	0	\$56,600

Estimated conservation expenses in 2014-15 included \$6,600 for an engineering consultant to help write the Conservation Plan Update and up to \$50,000 for a "Social Norming" project, if approved by City Council. Any expenditures on these two projects would be 80% reimbursed by the Jordan Valley Water Member Agency Grant.

The Social Norming project would pay for a conservation consultant/vendor to analyze utility billing data, identify high water users, and provide them with a customized report of water consumption with comparisons to "average neighbors" and "efficient neighbors" with similarly sized properties, and offer conservation tips. This Social Norming approach was considered one of the more effective ways to encourage behavior change in various public utilities, including water, electricity, and natural gas industries.

The 2014 Water Conservation Plan Update document had been prepared through collaboration with city staff and an outside consultant, Hansen Allen Luce Engineering, Inc. The Conservation Plan Update was written so that specific conservation programs were recommended, but would not be implemented unless City Council decided to fund them in the future. The Plan recommended realistic strategies that would help to achieve the City's long term water conservation goals.

No direct fiscal impact was anticipated. The Plan recommended various potential water conservation programs. However, the Plan did not commit or bind the City to spend any funds.

Staff recommended approval. The Plan was required to be submitted to the State once every 5 years. The Plan would serve as a guiding document to help recommend several specific water conservation programs if the Council chose to fund them in the future.

MOTION: Councilmember Nichols moved to approve the proposed Resolution 14-234, adopting the 2014 Water Conservation Plan Update for the City of West Jordan. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes

Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-235, AUTHORIZING THE MAYOR TO EXECUTE THE STATEWIDE UTILITY LICENSE AGREEMENT WITH UDOT REQUIRING THE CITY TO OBTAIN PERMITS FOR OPERATING, CONSTRUCTING AND MAINTAINING UTILITY LINES AND RELATED FACILITIES WITHIN STATE HIGHWAY RIGHTS OF WAY WITHIN WEST

The City of West Jordan signed a statewide license utility agreement with the Utah Department of Transportation January 3, 2002. This agreement allowed the City to operate construct, and maintain utilities in state highway right of way. It also addressed permit requirements, the possibility of special permit requirements, inspection, traffic control, emergency repairs, and the standards of construction when working in UDOT right of way. In January of 2014 the City received a letter from UDOT terminating the 2002 agreement and inviting the City to sign a new agreement.

City staff had the following concerns about the 2014 Statewide Utility License Agreement: (1) that the 2014 Statewide Utility License Agreement should not apply to existing facilities and existing permits; (2) that there should be a "reasonableness" requirement for conditions to be required by UDOT when issuing permits for future work; (3) that there should be a "reasonableness" requirement for minimizing traffic impacts during a project; (4) that the City should not carry liability insurance for its contractors but should only promise that its contractors would maintain similar insurance to that required of the City; and (5) that any applicable statute or administrative rule should be enforced independently and on its own merits, not incorporated as a term in the 2014 Statewide Utility License Agreement.

The enumerated concerns above were based on the following corresponding reasons: (1) that existing facilities and permits might not meet future UDOT requirements; (2) that "reasonable" conditions would be a fair requirement, since the Agreement authorized UDOT to impose additional special conditions at the time of permitting; (3) that "reasonable" minimization of traffic impact would be a fair requirement and keeping interference to an "absolute minimum" would be a difficult requirement for the City to meet; (4) that the City's contractors were independent from the City and could and should be responsible for their own actions and inactions and have insurance coverage; and (5) that a separate contract cause of action was unnecessary where a lawfully adopted statute or administrative rule applied.

UDOT had maintained that the license agreement they hoped the city would sign was a template UDOT used with all cities throughout Utah. Because the template was widely used throughout the State, it was unlikely that further negotiations with UDOT would

address the concerns above. Also, as long as negotiations continued, no permits would be granted according to State Administrative Code R930-7-6. This would affect future projects that the City desired to construct along UDOT right of way including the 7000 South Storm Drain Project.

There was no anticipated fiscal impact.

Councilmember Stoker shared the concerns outlined in the staff permit and recommended adopting the Resolution, but letting UDOT know that they were doing so under duress, and that they did not appreciate the agency's strong-arm tactics.

Councilmember McConnehey concurred with Councilmember Stoker but felt that the Council had no choice but to accept the agreement as submitted by UDOT.

Councilmember Nichols inquired as to whether or not anyone from the City had contacted Senator Harper about the situation. No one had. Like Councilmembers Stoker and McConnehey, Councilmember Nichols was not pleased with the agreement. Councilmember McConnehey indicated that he would contact Representative Tanner regarding the issue.

Mayor Rolfe indicated that he was of the opinion that staff should be directed to continue their efforts to negotiate the terms of the agreement with UDOT. He also felt legislators should do the same.

MOTION: Councilmember Nichols moved to adopt Resolution 14-235, authorizing the Mayor to execute the statewide utility license agreement with UDOT which is required for the city to obtain permits for operating, constructing and maintaining utility lines and related facilities within state highway rights of way within West Jordan. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	No
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-1.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-236, AUTHORIZING STAFF TO SUBMIT THE 'WEST JORDAN ROAD

**TRANSFER EVALUATION' TO UDOT FOR FURTHER PROCESSING
ALONG WITH OPTION NO. ____ AS OUTLINED IN THE STAFF
REPORT.**

On June 11, 2014, the City Council approved the Cooperative Agreement between the Utah Department of Transportation and the City of West Jordan for the SR-48 (7800 South) and 9000 South Road Transfer Evaluation Study. The City had a contract with Horrocks Engineers Inc. to conduct the study in accordance with Utah State Code. The Study was complete and was presented to the City Council for their review and direction.

Following the State Code Criteria and preceding analysis, the study recommended that the City and UDOT exchange ownership and maintenance of 9000 South to UDOT as 9000 South provided better connectivity between I-15, Bangerter Highway and Mountain View Corridor than SR-48. It was recommended that UDOT and the City exchange ownership and maintenance of SR-48 to the City. It was also determined that 7800 South (from New Bingham Highway to SR-111) failed to meet the criteria for a state highway, was excluded from further evaluation and discussion for transfer and should remain a local road under the City's jurisdiction. The focus was on exchanging SR-48 and 9000 South.

A cost analysis was performed to determine the financial obligations for an annual maintenance cost for a ten year period. The analysis resulted in UDOT owing \$126,000 to the City. The simplified cost comparison was located on page 5 of the Study. The cost was determined based on the assumption that 9000 South reconstruction from 4800 West to 5600 West would be constructed as currently planned in this fiscal year capital improvement plan. The average 10 year maintenance costs for 9000 South were estimated at \$810,000 and SR-48 at \$936,000.

There was no fiscal impact anticipated at this time. The report indicated that if the transfer of 9000 South from Redwood Road to Mountain View Corridor to UDOT was approved, it would save the City an estimated \$150 million in future costs. The City could receive additional funds from UDOT to cover maintenance costs depending on final negotiations.

Staff recommended submittal of the 'West Jordan Road Transfer Evaluation' to UDOT for further processing with a request to transfer 9000 South from Redwood to Mountain View Corridor to UDOT in exchange for the City taking over ownership of SR-48 (7800 South /New Bingham Highway/5600 West) from Redwood Road to Mountain View Corridor from UDOT.

Councilmember Nichols expressed a concern that UDOT might dictate what was to happen with Bangerter Highway when it becomes time to install a new overpass at 9000 South. Mr. Rigby indicated that the new UDOT Director appeared to be more interested in communicating with the City about common projects.

Councilmember Stoker felt that both 7800 South and Redwood Road should be State roads. However, if a trade was required, he preferred giving them 9000 South from

Redwood Road to Bangerter Hwy, or 4000 West. He indicated he did not like any of the options presented in the staff report.

Mayor Rolfe expressed a desire to resume a discussion that had taken place the previous Spring, wherein the City would allow UDOT to have the major highways and the City would handle New Bingham Hwy from the "Y" intersection.

UDOT Engineer Tracy Conti pointed out that there would be a financial reimbursement from UDOT to the City (roughly \$120K-\$130K) because there would be more lane miles coming to the City than the City would be giving away. He also indicated that 7800 South did not currently meet the Wasatch Front Regional Council's (WFRC) criteria for a "principle arterial" road, although that criteria could change in the future. Finally, he explained the manner in which UDOT calculated compensation for lane mileage.

In response to an inquiry from Councilmember Southworth, Mr. Conti estimated that there could be a difference of roughly \$50K-\$60K difference concerning New Bingham Highway only; although the Region II Director was open to negotiation.

Mayor Rolfe recommended that the Engineering staff work with UDOT to come to a mutually agreeable decision.

MOTION: Councilmember Stoker moved to adopt Resolution 14-236, authorizing staff to submit the 'West Jordan Road Transfer Evaluation' to UDOT for further processing as a jurisdictional transfer of New Bingham Highway (SR 48) between 5600 West to Bangerter Highway, leaving New Bingham (SR 48) between Redwood Road and Bangerter Highway in State control; and surrender to UDOT 9000 South from Redwood Road as much as the City could negotiate westward as possible. The motion was seconded by Councilmember Southworth.

Councilmember Nichols wanted to ensure that the City did not turn over more of 9000 South than was necessary until it possibly became classified as a principle arterial roadway.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE FACILITY USE POLICY AND POSSIBLE CODE CHANGES FOR FACILITY AND PARKS USAGE

The Events Coordinator, Parks Department and Legal Department had worked over the last year or more on addressing issues raised by various groups, such as athletic leagues, related to use of City park facilities. Primarily, the questions were related to the reservation process, the type and extent of use that would be allowed and the time of year that certain facilities would be available. City staff met with league representatives to review the City Code and the West Jordan Facility Use Policy and had incorporated their suggestions to address concerns. Complete drafts of the proposals were included with the request for council action. To clarify some of the specific revisions and the reasons behind them, some items are summarized below. It may be noted that while fees had also been raised as a concern, the fees were adopted by City Council as part of the annual fee schedule and the amounts were not addressed in the City Code sections or the Facility Use Policy presented and reviewed.

Proposed Text Amendments

During this process, it was also noted by staff that the existing Facility Use Policy contained some information and requirements that would be more appropriately addressed in the City Code, specifically Title 3, Chapter 5 "Rental of City Building Facilities" and Title 8, Chapter 13 "Parks and Recreation." The attached drafts of those chapters reflect staff's proposed revisions to the City Code to meet this need and also to add and clarify some of the existing provisions as follows:

1. A list of available rooms and buildings was proposed in section 3-5-1 to clarify building facilities that were available for reservation by the public.
2. Section 3-5-2 was added to cover reservations, state that the reservations were permitted and specify cancellation requirements. This section also gave the time limits for scheduling a reservation (no fewer than two weeks and no more than 11 months prior to the use).
3. Fees were still as set forth in the fee schedule that was adopted by the City Council each year, but clarifying language was also included in section 3-5-3 to describe the requirement for deposits to be paid to the City to cover any repairs or cleaning that the City performed after the use.
4. Requirements of Title 3, Chapter 5 regarding smoking, alcoholic beverages, City Manager authority and conditions for denial remain the same except that holding an activity on a Sunday is no longer a reason for denial (as Pioneer Hall is now rented by the City and is available for Sunday rentals with a higher rental fee), and staff proposed to add as a reason for denial any withholding of a deposit for a past reservation within the previous 3 years.

5. Section 8-13-1 had been updated to include all of the City's current park facilities and to reclassify the Arena as a City recreational facility, not a park. A definitions section had also been added to clarify some of the terms that were used by City staff related to City facilities and reservation of City facilities.

6. The hours of operation in section 8-13-2 had been updated to: (a) use specific and more clearly understood times; (b) clarify that City parks were seasonal and had no snow removal, less trash removal and no restrooms during certain months; (c) clarify the reservation procedures, especially for leagues for which City Council had directed staff to define the time periods during which tournament reservations and league play reservations could be submitted; (d) state the cancellation policy for reservations, including that seasonal reservations and tournaments would not receive a refund (this was due to the advance priority these reservations received that would prevent other users from reserving the facility).

7. The fees for park reservations were still as adopted by the City Council in the fee resolution, but as with building reservations, the use of deposits was clarified in section 8-13-15.

8. The list of prohibited activities in section 8-13-6 had been updated to include additional needed prohibitions, clarify certain requirements and reformat.

9. Regulations related to smoking and the City Manager's authority were the same.

10. Changed pavilion rental timeframe to one all-day rental rather than two half-day rentals, which would save staff time and simplify the process.

Proposed Facility Use Policy

City staff met with the leagues that use City athletic fields and concession stands for baseball, football and soccer. Baseball was held at the Veterans Memorial Park and the Ron Wood Baseball Complex, football was held at Constitution Park, and soccer was held at the Utah Youth Sports Complex. City staff sought direction from City Council and the City Manager and it was determined that the following should be addressed:

- (1) Clarify what constitutes a youth league;
- (2) Have a time to apply that is earliest for the highest priority use (tournaments), later for the second priority use (league seasonal use) and later for lower priority use, etc.; and
- (3) Allow the City Manager discretion to require a lease if needed for use of concession stands.

Although some provisions of the Facility Use Policy were moved to the City Code sections discussed above, some of the concerns were addressed in the proposed Facility Use Policy as follows:

1. "Reservation Priorities for City Facilities" were addressed on page 11 (section IV.E.). They were first requested, first assigned. However, for simultaneous requests that would occur during the same application period (i.e. tournaments, seasonal league reservations), they were as follows: (a) City Events; (b) City-Sponsored Events; (c) Special Events; (d) league over non-organized ad hoc group; (e) youth over adult; (f) group without policy violations in the last three years; (g) leagues were scheduled in the order of percentage of West Jordan residents (highest to lowest); (h) historical use; (i) after consideration of all other factors, the date and time of the submitted application would be the tie-breaker if needed (not likely). As stated in the proposed Facility Use Policy, some of these priorities applied only to athletic fields and would not be used for a building, pavilion or other park reservation.

2. "Consideration of Application" (section IV.C.1.g) allowed for tournaments to be scheduled with a minimum of one week between each.

3. Concession stands were addressed in section IX of the proposed Facility Use Policy beginning on page 16. The prior policy linked use of concession stands to use of the adjacent athletic fields. As there did not appear to be a City need to include this restriction, it was removed. However, a person or entity reserving the athletic field would have priority if the concession stand request was submitted concurrently. While concession stands were available for seasonal rental, it had been clarified that temporary snack bars must be on a case-by-case basis. This was due to Salt Lake County Health regulations. The proposed policy clarified that applications for concession stands and temporary snack bars could be received no fewer than two weeks and no more than 11 months in advance and that a seasonal permit might be available or a lease could be required at the discretion of the City Manager. Storage in concession stands was allowed between uses, at the risk of the user, but must be removed prior to reservation dates and times of other users, two days after the last reservation of the season and at the request of the City.

4. Other policies regarding fees and deposits, park closures, ability to exclude others from reserved areas, inflatable toys, denial of permits, maintenance, use of outside equipment or maintenance by others, lost/stolen/damaged property, grilling, fees and deposits, service in lieu of fees, inspections by users, compliance with laws, keys and combinations for locks, insurance and special event permits were not changed except for reformatting and other minor revisions to improve readability.

There was no anticipated fiscal impact.

Staff recommended that the City Council review draft ordinances and policies and provide direction to staff to return to a future City Council meeting for discussion and possible action.

At the request of Councilmember Haaga, Event Coordinator Julie Brown restated the

prioritization that was created within the policy regarding various groups or individuals requesting use of City facilities.

Councilmember McConnehey requested that when this item was brought back to the consent calendar at a future meeting, the report include strike through language so that the Council could readily see the changes made.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE 2015 EVENT SCHEDULE

Meet the City, March 4th 6 – 8pm. This event was originally designed to bring transparency to the budget process and to gauge residents' level of interest on a tax increase. We have all departments on hand with displays and information to help residents with any questions they may have. It's a great way to show off new projects or to present difficult projects in a way that is understandable. We also invite local nonprofits and our committees to attend and show off their work, sell tickets and recruit volunteers for their committee. The event could bring plenty of scouts looking to earn their citizenship merit badge and approximately 50 – 75 residents.

☐ Yes, let's do this

☒ No, revisit at Strategic Planning

Comcast Cares / I Love West Jordan Day of Service, April 25th 8am – 1pm. West Jordan had been chosen to be a Comcast Cares location for a second year in a row. Volunteers are a great asset. In the past, we had planted hundreds of trees, tossed thousands of pounds of soft fill and cleaned countless miles of trails. Comcast provided up to \$3,000 in equipment and supplies, T-shirts, breakfast and lunch for the volunteer labor. They also provided a dollar match for each volunteer who participated that the City could donate to a nonprofit of our choice (\$17,610 in 2014). In 2015 they had tasked us with recruiting 2,000 plus volunteers for this day.

☒ Yes, let's do this

☐ No, let's revisit next year

Get Into The River Festival, May 14th & May 30th all day. This event kicked off in 2014 with a trail-long festival through multiple cities. West Jordan was a big location opening up a new tunnel connecting the trail through to Sandy. Conservation Day is May 14th for this festival where volunteers are encouraged to come down to the river to clean up trash, pull invasive weeds etc. For 2015 we would need to recruit and manage all volunteers for this day. On May 30th they would like each city to provide some sort of event or activities drawing people to the trail. They will provide each city approximately \$300-\$500 for the event. The festival organizers would provide all advertising and promotion.

☒ Yes, let's do this

☐ No, let's revisit next year

Memorial Day Tribute, May 25th 6 – 7pm. The Memorial Day Tribute started in 2008. In the earlier years, we were able to get military support with Apache helicopter displays,

Hill Air Force Flyovers and staffing to make the event larger than life. With budget cuts and the federal sequester, it's been difficult to get that type of support. For the past three years, we have put the event on without those items and have kept an audience of approximately 400-500.

☒ **Yes, let's do this**

☐ No, let's revisit next year

Library Summer Kick-off / Health Fair June 6th 9am – 3pm. If you have grade school kids or grandkids, this is the place to be. With fire trucks, police vehicles, Darth Vader, princesses and plenty of activities for kids, the event attracts up to 7,000 visitors. While the kids play and learn about fire safety, parents can get their cholesterol checked, learn about green waste, city recycling programs and other city services. We also invite our committees to set up a booth and promote their upcoming events and recruit volunteers for their groups.

☒ **Yes, let's do this**

☐ No, let's revisit next year

Western Stampede PRCA Rodeo. July 2nd-4th, 7 – 10pm. What an event this has become! In 2014 we had our first ever Sold Out rodeo in probably 15 years. With the stock, the cowboys/cowgirls and first-rate entertainment, the Western Stampede has taken the rodeo world by storm. Our new chairman has amazing ideas and is always watching the bottom line to make sure the committee makes smart decisions. This year is shaping up to be another amazing year!

☒ **Yes, let's do this**

☐ No, let's revisit next year

Independence Day Festival July 2nd-4th, 10am – 10pm. I've had requests from residents to bring back the carnival and requests from regional carnival companies to make the event a success again. In 2012 we stopped holding the carnival for multiple reasons including staffing costs, the element carnivals bring to our city, the number of carnivals already scheduled in neighboring cities, and the type of carnivals available. I've been asked to see if Council would consider sending out an RFP for a carnival and seeing if it's something the city would like to have back.

☒ **Yes, but investigate with a Request for Proposal**

Independence Day Parade July 4th, 10:30am – 1pm. We made some changes to the parade last year, which improved the parade flow. We are continuing to incorporate some great suggestions to get our parade to be the best on July 4th! From switching the route direction, adding additional announcer booths, improved staging protocols and actively recruiting more floats to be in our parade, under the direction of our new parade committee, the parade will only get better and better!

☒ **Yes, let's do this**

☐ No, let's revisit next year

Movie in the Park July 4th, dusk – 10:30pm. This is our only movie in the park. People come early to catch the show while waiting for our Independence Day Fireworks program. Movies are G and PG rated/family friendly shows.

☒ **Yes, let's do this** ☐ No, let's revisit next year

Fireworks July 4th, 10 – 10:30pm. We will again be going out to bid for fireworks companies to host our Fourth of July show. The show generally runs 28 minutes.

☒ **Yes, let's do this** ☐ No, let's revisit next year

West Jordan Endurocross mid to late August. There's always fun at the West Jordan Arena when motorcycles and side by sides race against the clock taking on unbelievable obstacles! This event has nonstop action from the moment the horn sounds until the checkered flag waives. Each heat contains contestants from around the region and homegrown enduro athletes. This event was originally presented to City Council in 2012 and approved for a 2013 event. Unfortunately we ran into some issues that made it impossible to do the event. We're ready for 2015!

☒ **Yes, let's do this** ☐ No, let's revisit next year

West Jordan Demolition Derby early September. Bring your ear plugs and watch powder puff, couples and trucks battle it out in the arena to be the last vehicle moving! Crunching metal, bent wheels and smoking engines are only the start of what can be found at the West Jordan Demolition Derby. Please, no rain or lightening this year.

☒ **Yes, let's do this** ☐ No, let's revisit next year

The fiscal impact would be determined by the event(s) and the selected budget.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE 2015 WEST JORDAN PIONEER DAYS

Pursuant to City Code Section 3-4-1, the City Council could waive fees otherwise due to the City, and could otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complied with section 10-8-2 of the Utah Code. Section 10-8-2 limited the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limited the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and required a public hearing prior to approval.

For 2015, the Olive Osmond Hearing Fund would be making substantial changes to their events.

- Open gate, free admission
- Two nights instead of three
- No park activities, only the pageant

The changes were the event being two days, the marketing dollars decreasing from \$20,000 to \$16,300 and a total cost increase of \$2,100 going from \$57,200 to \$59,300.

The Olive Osmond Hearing Fund was a nonprofit corporation and requested nonmonetary contributions for West Jordan's Utah Pioneer Days valued as follows totaling \$42,550.00:

- The Event Producer could use Veterans Memorial Park or the West Jordan Arena without payment of rental fees to the City, valued at \$500.00 per day for the park and \$400.00 per day for the Arena. They would use an estimated 15 days for set up, the event and take down totaling \$7,500.00 and \$6,000.00.
- City staff would perform cleaning services during the event without charge to the Event Producer, not to exceed a value of \$1,200.00.
- City staff would perform security and EMS services without charge to the Event Producer, not to exceed a value of \$8,200.00.
- City would provide garbage collection, water service, and electrical service at no additional cost to the Event Producer, valued at \$3,600.00.
- City would provide the services of an Event Coordinator to assist with planning during event dates and post event, not to exceed a value of \$17,500.00.
- City would provide the services of a Public Information Officer to assist with promotions and advertising through West Jordan marketing forums including but not limited to the West Jordan Journal Good Neighbor News pages, West Jordan social media, and the West Jordan website, not to exceed a value of \$5,200.00
- ASCAP/BMI (services we pay royalties to in order to play music) fees estimated at \$350.00 *(This is a new item for 2015.)*
- Mass Gathering Permit \$500 *(This is a new item for 2015.)*
- More advertising by the City on the Good Neighbor News pages and social media (no estimated cost available). *(This is a new item for 2015.)*
- Insurance (The city did not provide insurance for third party events. Because we do not control the event, we cannot control the liability they put upon us. This item should be discussed with the attorney's office.) *(This is a new item for 2015.)*

In addition, it was proposed that the Olive Osmond Hearing Fund provide media marketing and fireworks display services for the Utah Pioneer Days totaling \$59,300.00 for the following:

- Rental equipment including but not limited to portable restrooms, canopies, tables, chairs = \$21,000.00
- Fireworks = \$12,000.00
- Advertising = \$16,300.00
- Entertainment = \$10,000.00

These services would be provided in conjunction with other services included in producing the event.

Sponsorship payment of \$59,300.00 was to be used for advertising, fireworks, entertainment and rental equipment. City staff, services and fees were not to exceed \$42,550.00.

Justin Osmond shared some highlights of the previous years' event and briefly summarized the proposed changes for the coming year.

This was a discussion item only. The Council agreed to bring the item back for Council approval during a future meeting.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE STORM WATER FEE

Bryce Haderlie turned the time over to Ryan Bradshaw who explained the following:

1. Option #1 was to remain with the current rate structure, and include no bonding options
2. Option #2 was to raise the Storm Water fee to \$6.00 per Equivalent Residential Unit (ERU) and to change the ERU calculation for commercial customers from 10,000 square feet per ERU to 6,000 Square Feet per ERU. He explained that this option would allow the completion of nearly \$31 million in storm water projects within the next ten years. He estimated that another rate increase should not be necessary during that ten years although he admitted that it would depend on a variety of factors.
3. Option #3 was to remain with the current rate structure, and bond for the maximum amount possible (approx. \$1,500,000 to \$1,700,000). This option would get the City only through the next two years' worth of storm water projects.
4. Option #4 Staff brought an inactive Spreadsheet to allow Council to propose different scenarios.

Mr. Bradshaw indicated that each option included a 3% increase in salary and benefits each year as well as a 2% operating increase. They also accounted for an annual increase to both the residential and commercial ERUs.

There was no anticipated fiscal impact.

Staff recommended that the Council examine the options provided. Staff was prepared to discuss the options and their impact to both the City and the citizens.

The spreadsheet referenced above (Option #4) was included in the agenda packet.

Mayor Rolfe indicated his preference for Option #3 because it would allow the 7000 South improvements to take place and it would not show a deficit for two years. By then

the storm water study would be complete. He reiterated his previous comments regarding his belief that the 7000 South storm drain should have been paid for with impact fees.

MOTION: Councilmember McConnehey moved to approve Option #2—raising the Storm Water fee to \$6.00 per Equivalent Residential Unit (ERU) and to change the ERU calculation for commercial customers from 10,000 square feet per ERU to 6,000 square feet per ERU. The motion was seconded by Councilmember Stoker.

In response to Mr. Bradshaw's mention of an 80 ERU cap that was currently in place on commercial properties, Councilmember Southworth indicated his preference for leaving the cap in place. Like Mayor Rolfe, he expressed his preference for Option #3 and would therefore speak against the motion.

Councilmember Haaga also spoke against the motion, indicating that the Council should wait for the results of the study before making such long-term plans and also focus on the 3200 West/7000 South problem that was of immediate concern.

Councilmember McConnehey was of the opinion that Option #2 addressed the immediate problem. He also suggested a desire not to repeat previous mistakes made when the Council adopted a 'wait and see' attitude and ended up waiting too long.

Councilmember Nichols liked Option #2 because it was a long-term solution and also because it placed more of a burden upon commercial entities who use more of the resource.

Councilmember Southworth inquired as to when a rate change would take place. Councilmember McConnehey indicated he assumed that Staff would bring it before the Council within the next one to three Council meetings. It was also pointed out that both Options #2 and #3 would take the City over the \$10 million cap on bank-qualified bonds which would increase the interest rate slightly.

Councilmember Haaga and Mr. Bradshaw discussed the fact that the Council could declare the \$224,000 debt service (that the City was currently paying back) a *transfer* rather than a loan.

Mayor Rolfe stated his belief that Option #2 was unfair to those businesses within the City who had already paid high impact fees, then borne the costs of retaining the water on their property and would now be asked to pay increased storm water fees. He felt it was counter-productive to the City's economy and therefore spoke against the motion.

A roll call vote was taken

Councilmember Haaga
Councilmember Hansen

No
Yes

Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	No
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 4-3.

Councilmember McConnehey asked that when Staff returns to Council with a rate recommendation that they address the Mayor's point regarding impact to local businesses and perhaps provide information regarding how other cities have addressed this issue.

**REVIEW AGENDA FOR STRATEGIC PLANNING SESSION
SCHEDULED FOR JANUARY 15-16, 2015.**

- ☐ Priority ranking and efforts
- ☐ Visioning Session
- ☐ Goal Session
- ☐ Soccer complex
- ☐ Economic Development policy
- ☐ Recognition and other benefit packages
- ☐ Department measurements
- ☐ Capital projects and funding options
- ☐ Benefit renewal presentation – GBS
- ☐ Salt Lake County Recreation program coordination
- ☐ Green sheet prioritization
- ☐ Code Enforcement strategy
- ☐ Staffing needs
- ☐ Sidewalk priorities

Bryce Haderlie explained that he sought Council direction regarding any items they felt needed to be either added or removed from the Planning Session agenda. He pointed out that based on discussion earlier in the evening (Business Item 6f) he had added *Discussion of Annual Events, Including Staff Support* as well as a discussion about a *Meet the City* event.

Councilmember Haaga requested that a demonstration of the new ERP system.

Mayor Rolfe indicated an item regarding Capital Projects and funding options. He specifically wished to have the 7000 South project designed and under construction in 2015, and that he felt it should be split into two contracts—one east of Redwood and the other west of it.

Councilmember Nichols wished to ensure that Parks funding would be discussed since it had already been postponed previously.

VII. REMARKS

Councilmember Southworth expressed his appreciation to the rest of the Council and staff, wishing them all Merry Christmas.

There were no additional remarks.

VIII. ADJOURN

MOTION: Councilmember Nichols moved to adjourn the City Council meeting. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

The meeting adjourned at 8:32 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 7th day of January 2015

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, January 7, 2015

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Reed Scharman, Deputy Fire Chief; Doug Diamond, Police Chief; Jim Riding, CIP/Facilities/Fleet Project Manager; Greg Mikolash, City Planner; Larry Gardner, Senior Planner; Steve Glain, Assistant to the City Manager; Brian Clegg, Parks Director, and David Clemence, Real Property Agent.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:01 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Stoker.

Mayor Rolfe explained that items listed on the agenda would be heard in a different order for this meeting.

III. COMMUNICATIONS

INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Expressed appreciation to the Facilities Department for their efforts with the improvements in the City Council Chambers and Community Room
- Expressed appreciation to the Mayor, Council, staff members, businesses and the citizens for their efforts and success in getting the City of West Jordan removed from the prison relocation list

STAFF COMMENTS/REPORTS

Tom Burdett –

- Provided the Council with a memo regarding a possible amendment to Consent Item 5d: Memo:

“The proposed change was given to the Planning Commission in a briefing yesterday at their regularly scheduled meeting. After giving the concept some consideration they asked the staff to present one change to the City Council. The change is to make the **Planning Commission representatives’ service on the Design Review Committee a one-year term with the option of reappointment on a year-by-year basis for a total of three years** rather than the normal three-year term as provided in the Municipal Code Section 2-1-4 TERMS. They request that the City Council consider this change because the three-year term on the Planning Commission may not coincide with the three-year term of the Design Review Committee, making it necessary to replace committee members prior to the end of their term. It will allow a Planning Commissioner the opportunity to serve on the Committee without making an initial three-year commitment. Other than this minor change, the commission supports the change and can provide the volunteers.”

- Updated the Council regarding two previously received grants from the: 1) Wasatch Front Regional Council of Governments (WFRC), and 2) Utah Transit Authority (UTA) regarding planning for the City Center area.

Ryan Bradshaw –

- Binders delivered to the Council with green sheets and tentative budget calendar enclosed.

Wendell Rigby –

- Updated the Council regarding issuing of notice to proceed for the 5600 West project (northern piece from 7000 South to 6200 South) Closure would happen in the later part of March.

Doug Diamond –

- January 9, 2015 – Requested Council’s support in displaying a blue light for police appreciation day in the Nationwide effort ‘Blue light’ program.
- Expressed appreciation to the Council and the public for their support this last week in losing one of our Police Officers. Funeral would be held Friday, January 9, 2015, at 12:00 p.m., LDS Chapel, 8150 West Grizzly Way, West Jordan.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Southworth –

- Commented on the wonderful resolution to the proposed prison relocation. He express appreciation to all those involved.

Councilmember Nichols –

- Agreed with Councilmember Southworth’s and Bryce Haderlie’s comments.

Councilmember Haaga –

- Read a statement provided by a West Jordan resident regarding pausing for a moment to reflect upon the common goals before we begin the business of the meeting.

Councilmember McConnehey –

- Request from neighbors to express their sympathy and appreciation to the police department. His neighbors understand all the work and dedication provided by all City staff and wanted to express their appreciation.

Doug Diamond –

- Announced that the City of West Jordan residents support, care, and understanding, the Police Department, and the Police Department will continue to service them.

IV. CITIZEN COMMENTS

Jay Lynn Thomas, West Jordan resident, expressed appreciation to the Mayor and Councilmember Haaga for listening to her concerns. She also expressed her appreciation to Gigi, VECC Dispatcher, and West Jordan Police Lieutenant Waters for their assistance with a matter which took place on December 26, 2014. She commented on working as a volunteer with West Jordan Police Officers.

Steve Jones, West Jordan resident, expressed his appreciation to Law Enforcement Officers and said he was truly grateful for their service.

He said he was in attendance to remind the Council that they work for him as a resident of the City. He said the flooding of homes was more of a priority, than something that was not broke. He felt the City had an obligation to fix the flooding problems, the funding was available, and it should be used for its intended use. Flooding was a high priority; he said the Council must solve the problem.

Ken Larson, West Jordan resident, addressed the pothole on 1300 West 7500 South; he asked that pothole be fixed with a permanent solution, possibly by changing the lines on the road.

There was no one else who wished to speak.

VI. PUBLIC HEARING

Mayor Rolfe moved Public Hearing Item 6.B. forward for discussion.

PUBLIC HEARING ITEM: 6.B

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 15-02, AMENDING THE 2009 WEST JORDAN MUNICIPAL**

**CODE TITLE 13, CHAPTER 5J, AMENDING THE WEST SIDE
PLANNING AREA BOUNDARY; PETERSON
DEVELOPMENT/BARRETT PETERSON, APPLICANT**

Tom Burdett said the applicant was requesting a text amendment to City Code Section 13-5J-2A amending the area description of the West Side Planning Area (WSPA) from 370 acres to 410 acres and extending the western boundary to 6700 West. The WSPA was a zone covering a much larger land use area at one time. The City Council decided to eliminate the WSPA as a zone, but as a result of a litigation settlement agreement, the WSPA continues to apply to land that was now comprised of just the Highlands Development area. There were still many tracts of land that had WSPA zoning designation which were no longer governed by WSPA zoning. The proposed property was one of those properties. The applicant wanted to include a 40-acre tract of land adjacent to the Highlands development as governed by the WSPA. The applicant's intent was to construct single-family dwellings on the property and desired the benefit of the WSPA zoning.

Tom Burdett turned the time over to Larry Gardner.

Larry Gardner explained that to expand the boundaries of the land governed by the WSPA, the text of Section 13-5J-2A needed to be amended. The text currently read:

"A. WSPA Defined: The WSPA is described as an area approximately three hundred seventy (370) acres in area, located between 5600 West and 6450 West, 7800 South and 8200 South. Though the WSPA once covered a more expansive area, it now applies only to the master planned development specifically known as the Highlands. The development boundary of the WSPA (the Highlands master development plan) is defined on the city's future land use and zoning maps. Throughout this section, the Highlands master development plan will be referenced as the WSPA."

Section 13-5J-2A would be amended as follows:

A. WSPA Defined: The WSPA is described as an area approximately ~~three hundred seventy (370)~~ **four hundred and ten (410)** acres in area, located between 5600 West and ~~6450~~ **6700** West, 7800 South and 8200 South.

The amended text was the first step to include, the additional 40-acres into coverage by the West Side Planning Area. If these 40-acres were to be included within the Highlands, the Highlands map and development plan would need to be amended at a future time. If this land was to be governed by the Highlands Development Agreement, there would need to be amendments approved by the City Council. Furthermore, a separate application process would be required to include the 40-acres into the Highlands Assessment Area.

FINDINGS OF FACT:

Section 13-7D-7(B) Findings for approval: Text Amendments

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The zoning text amendment would make the provisions of the WSPA zone applicable to this property. The amendment would not change the land use or zoning designation of the property. The property was designated at approximately three fourths low density residential and one fourth medium density residential on the Future Land Use Map of the City. The entire property was zoned Low Density Single Family Residential (LSFR). The applicant's intent and the only option now available would be the development of single-family housing. The General Plan page 23 stated the following:

West Jordan has historically been a suburban community consisting of primarily single-family homes and open agricultural land. The Current Land Use Survey, completed in March of 2010, indicates that nearly 30% of all developed land in West Jordan is occupied by single-family residential uses. One of the primary goals of this General Plan is to continue to encourage new development that is integrated with existing development, and to make the most efficient use of existing infrastructure.

The plan also stated on the same page that "lower density single-family residential uses are the most preferred in West Jordan" The applicant was not proposing to change the land use type or density.

On page 30 of the General Plan an implementation policy stated the following:

Require developers to prepare small area plans showing the relationship of proposed subdivisions to the neighborhood of which they will be a part. These plans should illustrate, among other things: access to the general street system, connections to adjacent neighborhoods and properties, schools, recreation sites, and other facilities and services.

The inclusion of the 40-acre parcel into the coverage of the WSPA would satisfy this policy. Because the parcel was adjacent to the Highlands it would be a seamless transition into the development and would result in similar uses, development patterns, roadway connections, trail improvements and housing types.

Finding: The proposed amendment conforms to the General Plan and was consistent with the adopted goals, objectives, and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.*

Discussion: The applicant justified this request by the following points:

- *This property is currently zoned LSFR which is only applicable within the WSPA/Highlands Master Plan.*
- *The conceptual density of this project is very similar to that of Loneview North and would be consistent with the adjacent land use.*
- *The WSPA allows flexibility to create a single-family neighborhood with more variety of lot sizes.*

The General Plan on Page 22 Goal 3 stated:

"Promote land use policies and standards that are economically feasible and orderly, which also protect desirable existing land uses and minimize impacts to existing neighborhoods."

"1. The type, location, timing, and intensity of growth shall be managed. Premature and scattered development shall be discouraged.

2. Growth shall be limited to those areas of the city that can provide for adequate levels of service (i.e. water, sewer, fire and police protection, schooling, and transportation)."

The amendment would result in a single-family development similar in type, density, and layout as the adjacent housing development to the east. The 40-acre property proposed to be included into the coverage by the WSPA zone was marginal agriculture land and was not designated on the future land use map as agricultural.

Finding: The proposed amendments were appropriate given the context of the request and there was sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment will not create a conflict with any other Section or part of this title or the general plan.*

Discussion: The proposed amendments would not conflict with other sections of the 2009 City Code or the General Plan. The proposed amendment would resolve conflict within the General Plan due to the land currently being zoned LSFR and the LSFR zone only being fully functional within the WSPA zone.

Finding: The proposed amendment would not create a conflict with any other Section or part of this title or the General Plan.

Criteria 4: *The proposed amendments do not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The text amendment does not relieve the applicant of any "hardships" or excuse them from other ordinance requirements. This text amendment is unique in that it was geographically constrained to the WSPA and this particular 40-acre piece of property, and would not apply Citywide. The text amendment results in a change more like a map amendment. The applicant would not be able to use this amendment outside of the boundaries created by the text amendment. The proposed amendment would resolve a conflict due to the land currently being zoned LSFR and the LSFR zone only being fully functional within the WSPA.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.

In conclusion the proposed text amendment amending the boundaries of the West Side Planning Area (WSPA) meets all of the criteria for an ordinance text amendment. The inclusion of the 40-acre parcel that was contiguous would result in similar single-family residential and connect to the trail system of the Highlands. The proposed text amendment would not result in any detrimental impacts to this area of the City.

Staff recommended that the City Council amend the West Jordan 2009 Code, Section 13-5J-2A, "WSPA Defined," changing the boundaries of the West Side Planning Area (WSPA).

The Planning Commission, by a vote of 3-2, recommended that the City Council amend the West Jordan Municipal Code, Section 13-5J-2A, "WSPA Defined," changing the boundaries of the West Side Planning Area (WSPA).

Barrett Peterson, Peterson Development, said in the past they explained they were trying to enlarge the Master Plan. He reported that their improvements would be a nice improvement to the Smith's Center and the area. He said staff and the Planning Commission both supported a positive recommendation.

Councilmember Southworth asked if there was a compelling reason for this change other than placing it into the WSPA.

Barrett Peterson said one reason was density, but it was part of the same master plan. He said one thing they would do was to request to include the 40-acres into the Special Assessment Area District, so there would be more units to subsidize the overall open space. He said the question had never been asked as to whether the 40-acres could be part of the Special Assessment area under a different zone.

Councilmember Southworth said as this falls within the Performance Base Planning Area (PBPA), he questioned what would be gained by moving it into the WSPA.

Barrett Peterson said for factors he cited; he was asking that it be placed in the WSPA, so it could be a nice development that way.

Mayor Rolfe opened the public hearing. There was no one else who desired to speak. Mayor Rolfe closed the public hearing.

Councilmember Hansen felt this did not meet Criteria 4, she felt this would benefit one person. She voiced her opposition to the change.

Councilmember Southworth said previously the decision was made to move away from the WSPA. He said this could be taking the City backwards. He felt under the Residential Land Use this does not meet the criteria. He said if there was a reason this would hinder the development, he could not support the move.

Mayor Rolfe commented on the reasons he felt there was an exception for this request:

- So it would fall into the same design criteria
- Drainage, all utilities would connect
- Area was already tied to the planned community the developer had
- Squares off the property already in the plan

Councilmember Stoker could not see the benefit to include this into the WSPA. He agreed with the Mayor that if they owned over 300-acres of land and have the Highland Master Plan with interconnecting utilities, roads, etc. It would only make sense that their entire property fall within the master plan and zoning standards. He felt there could be problems if the City had 40-acres that did not match the Master Plan.

MOTION: Councilmember Haaga moved to adopt and instruct the Mayor to sign Ordinance 15-02, amending West Jordan 2009 City Code Section, 13-5J-2A, "WSPA Defined," changing the boundaries of the West Side Planning Area (WSPA). The motion was seconded by Mayor Rolfe.

Councilmember Hansen said either the City had a 'cap and grade' or we did not. This developer had other properties where he might ask the Council to change. She said the vote of the Council was to have a 'cap and grade' and changes should not be allowed for one individual. She opposed the motion.

Councilmember Nichols saw both sides of this issue. He said that Peterson indicated that the City was not ready to move forward with the Performance Based Planning Area.

Tom Burdett indicated that this would be discussed during the Strategic Planning Session. Depending on the direction of Council, staff could write a new zoning code rather quickly.

Councilmember Nichols the WSPA was left for a reason. He felt the Council would be best served by not making this change at this time and waiting to see what happens at the Strategic Planning Session.

Councilmember Stoker questioned whether these were going to be single-family homes.

Larry Gardner said at this time they were single-family homes on this 40-acre site.

Councilmember McConnehey spoke against the motion.

Councilmember Haaga called the previous question.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Southworth	No
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion failed 3-4.

MOTION: Councilmember Southworth moved to table to a date uncertain but following our Strategic Planning Session. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

PUBLIC HEARING ITEM 6.A.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 15-02, DECLARING CITY OWNED REAL PROPERTY
LOCATED AT 1970 WEST 7800 SOUTH AS SURPLUS PROPERTY, AND
AUTHORIZE THE DISPOSITION**

Information provided in the Council's staff report. The City recently acquired the Property with the intention of converting it into a cultural arts facility, but had since decided to build a cultural arts facility nearer to its City Hall campus. As such, City staff was directed to advertise the Property for sale to the highest bidder, with the intention of using the sale proceeds to begin designing and constructing a new cultural arts facility.

City staff advertised the Property for sale in accordance with both Utah State Code and the West Jordan Municipal Code, the public was given the opportunity to submit sealed bids to purchase the Property based on a minimum set of criteria, the bids were opened in a public forum and an acceptable bid was received, subject to the City Council declaring the Property surplus to the City's needs.

If the City Council declared the Property surplus and accepted the highest bid received, City staff recommends the City Council approve the Contract after the buyer's name and bid amount had been inserted, after it had been fully executed by the buyer and after it had been approved as to legal form by the City Attorney, and authorize the City's Real Estate Services Manager to close the transaction according to the terms of the Contract.

However, if the highest bidder does not sign the Contract or otherwise backs out of the purchase, then City staff recommended that the City Council accept the second highest bid as long as it met the minimum criteria set forth in the advertisement. If no other bids were received or were acceptable, the City staff recommended that the Resolution become null and void and the Property not be declared surplus until the City was prepared to enter into a contract to sell the Property.

The fiscal impact would be the sale proceeds.

Bryce Haderlie said based on direction you've given to the staff we have proceeded with the steps necessary to bring this matter before the Council tonight for your consideration. We also want to acknowledge that we were given some other direction to also see if we could identify a designer who could give us a more definitive price for a potential building. Jim Riding is here tonight and he would be happy to talk to you more about that, but we were not able to go out and secure that at this point in time because two things: 1) we need Council direction on the location of the building that would help us make sure that we are designing it for the proper soil conditions and elevations and things of that nature, and he also needs based on how often he has done these types of projects a budget that you would like it designed within. However, we have, Jim has spoken with designers that have done a building like this, a theater style building can go for as much as \$300 a square foot. However he could share information of why that may not be the best type of

building for this type of potential use. So, I just wanted you to know that staff has gone as far as they think we can at this point in time to help with alternates that you've directed us to pursue. Now leading back to this building here tonight, we have advertised the building property in the newspaper four times, that's three more times than necessary by law and we present it to you. Are there any questions based on any of the actions that we've done, or any questions on the things that we present to you?

Councilmember Stoker said just to clarify the bids closed for the potential sale of the property and there was a responsive bidder.

Bryce Haderlie that is correct. On Monday, afternoon at 2:00 p.m. we closed the bids there was one bidder and they bid the minimum amount which was \$1,250,000.00 which was the appraised value of the property and so they are willing to go forward with the purchase, if and only if, Council after the public hearing determine it is surplus property and then the Council would need to accept the offer. Everything is still contingent on Council's final decision.

Councilmember Stoker said I know it doesn't matter so much, but I'm just kind of curious is this the business that is just right next to it?

Bryce Haderlie said yes it is. He said just one more item, we had discussed the possibility of whether they might be interested in allowing a sublease back to the City for any space that they may not need to use at this point in time, the individual from the company which he spoke with and that Dave Clemence also spoke with said they would be willing to consider that but they need more information and they need some time to determine what portion of the building they need right now, what they would be remodeling so we would still leave that as an option, if that's the direction of the Council to see if there might be some room to store things or maybe an area that people could practice in, things like that. He was amenable to continue that discussion.

Mayor Rolfe acknowledged Councilmember Haaga.

Councilmember Haaga can I ask three questions Mayor. First to our City Manager have you ever and I've asked you this I just want it to be public, have you ever experienced a situation in your career or in our City where we have surplus real estate?

Bryce Haderlie said he was not familiar with a project of this magnitude of selling something of this size, so no I have answer that for you before.

Councilmember Haaga if I ask the City Attorney, cause I've sat down with him too this week. We have received a bid of \$1,250,000 for this building and Jeff is it legal to pre-bid on a property that still hasn't been surplus.

Jeff Robinson said it was okay to put it out for sale as long as you don't accept the bid or close the sale before the property was surplus. It must be surplus before that sale can go

forward and if Council decides tonight not to surplus it, then were entitled to reject all the bids.

Councilmember Haaga said one more question, I asked you this too, so I know the answer but for public information. Have you in your career, you've been with us for 10-years, and I know your background, ever experienced a city, or a city government, even the State government surplusing real estate property.

Jeff Robinson said he had not been here quite 10-years, but no I have not.

Councilmember Haaga I thought you had sorry. Thank you.

Mayor Rolfe said Bryce Haderlie eluded that Jim Riding had some information, could we have him come up and relay the information before we get into any more discussion.

Jim Riding said 'Thank you' for the opportunity and hopeful you'll have a question or two that I can share with you. In looking into what we would do if in fact we did sell this property and looking at building another site, as Bryce Haderlie mentioned there were two things any architect would ask to give him/her before he starts designing anything and that was; Where do you want to put the building because it going to depend on the dimensions of the lot and the size of the lot as how big the building could be and how big the parking would be, and the other thing would be the budget that would be available to do this, because in his/her mind he may be thinking, oh you want a theater I can build you a nice \$6,000,000 theater and in our mind were thinking, oh no we are looking at something probably half that size, that is why those two things are very critical to determining exactly what we want to do. So as this was moving forward I contacted an architect and quizzed him about some of these things and he suggested just as any architect would in constructing and designing a building, they are going to hire consultants, structural engineer, electrical engineer, mechanical engineer, in this case they also partner up with theater people because there are not many architects around that that's all they do, so they partner up with these different consultants I got the name of one back east and I talked to her and she really enlighten me about the theater and the possibilities that are there. Even in the information she sent me, she sent me information about one in Snow College that they were involved in, in down at Dixie State University that they were involved in, and in talking with her she explained that in having a theater and if we wanted to use it as a multi-purpose type theater it makes it a little bit more difficult to do that because, and the reason I say that is because when I said to her well be probably want maybe something like a black box theater where we can put on some plays and have something that's not \$300 per square foot, but something less than that that would work and also have our orchestra and band in there, and she said timeout. Because if you are looking at primarily just as a black box theater and you want to have these other amenities in there, her statement was your people's ears would be bleeding because the acoustics won't be set up in the same for all the different elements that you want to try to put in this building for the amount of money you're wanting to spend. She said you need to be very careful about where you are going with this and what you want to try and do with that particular type of

building. So, when I said to her that \$6 million was out of the question, and this \$6 million was for a 20,000 square foot building which would have about 300 seats in it, she said at \$300 per square foot your \$6 million, and so I said to her and that's when I started backing down I said I don't think that's going to work in our City. So we need to see what else we could do. So, that's where we tried to give this information to the City Council so that they have as much information as they can get at this point in time to make the decisions that they need to make both regarding the existing old library building and moving forward it's either now or some point in the future with a Arts Complex.

Mayor Rolfe acknowledged Councilmember McConnehey.

Councilmember McConnehey did they make any reference to other multi-use theaters similar to what we see in high schools and middle schools because they seem to work pretty well for multi-use. I guess what I am trying to ask is what sort of type of theater did this one consultant work with? Is it only something strictly designed only for one type of theater or do they do other projects like you would see in public education like high schools and such.

Jim Riding said let me read a statement from one of their pieces of literature "There's no such thing as a universal facility. Much to the frustration of Performing Arts professors, a concert hall is not the same as a theater. A facility built to serve a Broadway-style musical production is not ideal for a ballet or modern dance much less a music or choral performance. To compound matters, it is difficult for any facility to serve both students and patrons equally well."

This was written primarily for people who are trying to do this at a school or university for instance. Certainly at an elementary, junior high or high school you can build these performing arts facilities that will work and this is not to say they won't work, just what do you want? That's the question.

Mayor Rolfe said he spoke with the same consultant today, because he did not believe the \$6 million figure either. He spoke at lengths to Rose the same administrator that Jim Riding spoke with and to answer your question they built every from a very basic auditorium all the way to a very opulent type theaters. He said the one thing I would ask Jim Riding just to key off what you are saying, what she stated to me and I would like to know if she stated to you, you don't use the same area that you perform in to store and practice in.

Jim Riding said that was correct.

Mayor Rolfe acknowledged Councilmember Haaga.

Councilmember Haaga again Jim Riding knows the questions that I'm going to ask because we spent some time over at the old West Jordan library building, which the City owns by the way, and we have the keys and the arts folks can start using that as soon as

possible if we continue to own it. But, I wanted to ask Jim Riding, is the building in, what kind of condition is the building in as far as use for our art folks.

Jim Riding obviously it's been a library, but you can go in there and remodel it and make it work for what you're going to do in there, and I've met others over there and described some things they could possibly do in there to help facilitate that. It certainly is never going to be the kind of theater that you would build but you can remodel it into something that is useable for a period of time.

Councilmember Haaga we drove over there and I hope I can get that picture. Because the Council's been told there's some cavities in floor of the library building, I wanted to go over there, this is where the books, where all the book shelves were and of course the County is taking just these out. If you go into the building that's probably the only scar. It really in my opinion a really good building, but this doesn't cause any safety issues or anything like that.

Jim Riding said if you were to just use this as a temporary (meaning three to five years as such a theater) you could go in and find carpeting that would be close, you won't find it exact and you could match those in so it would look a lot better than what that does.

Mayor Rolfe acknowledged Councilmember Stoker.

Councilmember Stoker said in light of the information you just shared I mean we look at the old library and it has 8-foot ceilings, in a triangular shape. It's great for storing stuff and maybe some rehearsals but you'd never truly be able to perform in it. You couldn't put a riser in it, a stage, and you would definitely not have any auditorium and I know that there was a steering committee that was put together a number of months ago about doing an add-on building next to it and with the cost you're sharing those costs would go out window. We are looking at \$2 million to \$3 million just for an addition to the building and so it seems like the library is kind of a, could never be used for performances and there wouldn't be enough money to ever make it so.

Jim Riding said I look at how they've done performances down in the community room downstairs. That's never been designed to be a theater either, but they've done them in there.

Mayor Rolfe asked if anyone else had a question. He said just another question for Jim Riding before he took a seat. The City got this building without any taxpayer's money changing hands, is that right.

Jim Riding said that's my understanding of that.

Mayor Rolfe said the only thing we have put into it at this point is to change the locks and keys.

Jim Riding said correct.

Mayor Rolfe said and started to pay the power bill and heat bill.

Jim Riding said patched a couple of big holes in drive there.

Mayor Rolfe said that's all Jim, oh wait I did have one other question, I'm sorry, I loss track. In your professional opinion, if we should built a theater elsewhere on property that the City has that we could build, we have plenty of places that we could build it. What would be your estimated costs for the two code infrastructure, and I know I'm putting you on the spot, but just ballpark.

Jim Riding said to bring in utilities, no matter where you go you are going to bring in utilities, water, sewer, storm.

Mayor Rolfe let's just say hypothetically 300 parking stalls.

Jim Riding you're going to eat up that million dollars easy.

Mayor Rolfe said just for the infrastructure.

Jim Riding, yes.

Mayor Rolfe said okay. He asked if someone had another comment. No was the answer.

Mayor Rolfe said okay, thanks Jim appreciate it. Sorry to put you on the spot.

Mayor Rolfe acknowledged Councilmember Stoker.

Councilmember Stoker said your question about infrastructure kind of got some wheels turning in my head and I know we haven't decided on a location, but I know that the existing Sugar Factory's site is adjacent to the parking lot of Rec Center and Senior Center. If we were to use that particular site we could do a shared parking arrangement with the Rec Center and the Senior Center plus we have the overflow parking for the rodeo grounds, and we have utilities right there that would be for both those facilities. So, I think it's premature to guess how much infrastructure would cost. I think depending on location we could do it with minimal cost infrastructure.

Mayor Rolfe said okay, I disagree, but okay.

Councilmember Haaga I ask Mayor for a personal privilege here, because thislibrary building is a 13-month experience for me and I want everyone to know that this just didn't come up tonight. This in February of 2014, and if you'll bear with me, I know this is long but it took us longer; Mayor Rolfe advised me of an idea with Salt Lake County to trade existing City property which we own on our Campus which is black top to trade the old

West Jordan Library. The trade was an idea to create a home for the Arts, a place that we don't have right now somewhere where our Arts folks can go that they could call their own, they could play their instruments as loud, as they want they could sing as loud as they want and to the effect they don't even perform in the dais here.

On February 27, Mayor Rolfe asked me to attend the Salt Lake County Center for the Arts the "Cultural Facilities Support Program" which I did along with some other citizens of our community and this is a program and I actually made copies and I put it in all the Council'sand gave it to the Mayor and City Manager is a program by the County that matches for every dollar you spend they'll give you a dollar to a project. But these dollars are only to be spent on cultural arts facilities, which is a physical building and this motivated me even more because if we could trade this building for other property then we could remodel it if its \$200,000 the County would reimburse us then \$100,000. So that's a reality and were at a point right now that if we want to remodel this this property we own we have till March to make that determination. So to surplus and sell this property we lose money from the County which is our tax dollars, what happened after this meeting is Mayor Rolfe and myself had a meeting with Council Member Amiee Newton, and Council Member Steve Debry to talk about this trade. This was a, the Mayor Rolfe brought out a map showed then the building and the property and we discussed a process of can we make it a trade and Steve Debry and Amiee said let's open discussion. In April again, Mayor Rolfe and myself met with excuse me, in May, Mayor Rolfe and myself met with Mayor McAdams, his staff Steve Debry and Amiee Newton and the County staff and the library staff to again talk about this trade deal. We are talking about multiple agencies talking about getting a home for our Arts. This is way back in May. In the interim, and I'm going to go more brief with hard work from our staff, which I really appreciate, the staff of the County, Mayor McAdams, and the County Council's, Steve Debry in August sent us an email I think he sent it to all the Council saying that the County Library Board had approved the sale of this building. Now that wouldn't have happened unless our Mayor stood up for you and asked Mayor McAdams can we make this deal and then Steve say's and now it will go before the County Council and which it did and it passed unanimously by the way and then in the interim again other things transpired with our staff to resolve issues, but they were resolved and on October 22nd, this Council approved the trade of property for this old West Jordan Library to create a home for our Arts. Of course you know it's an old building, it's an odd building, but it's something now we have and we own, if you have a place to go now you have ownership and I hate to see tonight for that to go away this is tonight this is an unprecedented action never in our City history and I've tried to find it and I asked all the professionals have we ever surplused real estate. Surplus property is a car, a car that goes down in value and no longer is needed and or we can't use it. So, the administration then notifies the Council and then we surplus that property to the highest bidder, but that property has to be of no use, it has to be obsolete, unused, so what we are doing today is talking about a building we have now that we own where our Youth Theater, and I have to say this because I'm their liaison can have their auditions this month over there instead of in our community room. Where the adult group can practice where they can do their auditions, where the band can play as loud as they want on Council nights, where the orchestra can play as loud as they want on any other

night, or the choir instead of singing on Sunday in the City Hall they can sign over there on the day, because the building would be available.

The other thing is I want to talk about the law, the code, the code were talking about and again I'm sorry this is long but this is a process that took us this long to get here and that is, is this really surplus property, the Code it says this and I going to quote it: "*Whenever city property is surplus, unused, obsolete, unsuitable or otherwise no longer needed.*" Is it needed I would say 'yes' and I can talk to a lot people in the art that say they can start using it right away, is it obsolete 'no', in fact it is a functional building that anybody can access of any ability and it shouldn't be surplusd it should be used now. And then the other thing is why do we sell it, why do we want to sell it for the money \$1,250,000 million, the Code says this, and I'll quote, this Code that we're going to decide tonight: "*Monetary proceeds from the sale of other disposition of items pursuant this section*" which is the Surplus Code section "*will be credited to the fund sundry account*" which is the General Fund, meaning there's no earmark that we give this money.

Councilmember Southworth said Mayor, can I call a point of order. I'm sorry Councilman but were in a kind of discovery mode here we have a public hearing we need to get into and then we can get into our opinions and what have you if that's acceptable I'd like to get on with our public hearing so we can hear from our constituents are citizens and then we can go back into our own thoughts and opinions and debate this, if that would work for the Council.

Councilmember Haaga said with due respect Mayor a few more minutes.

Mayor Rolfe said you have the floor.

Councilmember Haaga said so I'll finish it up, but we need to know and understand that this building is not obsolete, we do not need the money, we do not need to take this \$1,250,000 and create some building that we haven't even dreamed of. We need to use it, so I hope tonight that you all know that the Mayor, myself, and the sitting Council got this building for you, let's don't give it away.

Councilmember Stoker, thank you Mayor, I just need to respond to some of the things that have been raised recently with regards to the time with the project. This project began a whole lot longer ago than 13-months ago when the former Mayor Melissa Johnson and I were meeting with the library and the County to discuss leasing this before the health department became an option of a trade. So, there was a lot of discussion and action that happened beforeduring this Council session. With regards to the grants that the County has it's a matching grant up to a certain portion and according to the application there is no limit or cap to that grant, other than the availability of funds and so if we were to do a \$200,000 upgrade to the facility then we get \$200,000 or a portion there of, but if we do a \$2 million facility, we get upwards of \$2 million from them if the funds are available, and so that the notion that we would be leaving money on the table would only

be true if we decide to minimize any sort of project that we are doing with this. So, I just needed to make those clarifications. Thank you.

Councilmember McConnehey said 'thank you' Mayor. I have two questions for Mr. Riding: 1) We heard how much the \$6 million estimate to build new that would be specifically for a theater, how much do we anticipate it would cost to remodel the existing library to make that suitable and would that match the same standard that's being presented by this consultant?

Jim Riding said obviously it would not match the standards. I did put in a green sheet for \$100,000 to do some work over there and it that would make it habitable, make it usable for a theater, we could dress it up a little bit on the outside, some things with that money, but again it comes back to what does Council want to do, how much do they want to spend if we keep that building. I just put that in there as a target to shoot for.

Councilmember McConnehey said so \$100,000 we could have a stage, the necessary infrastructure behind it.

Jim Riding said not saying that. This will take a look at what we could do for \$100,000. First thing we would have to do is have to get a consultant onboard and architect to go in and do the review of what, and when I say that they sit down with the users any of the folks that are going to use the building and see what their needs are and what can be accomplished with the funds available. So, it just depends on what it is that is going to happen and if it's only \$100,000 it's certainly, it's limited.

Councilmember McConnehey said so it sounds like we don't really have a good estimate of how much it would to renovate that into a functional theater per say.

Jim Riding said it all depends on how deep you want to go into making it a theater.

Councilmember McConnehey said his second question is: We heard that \$6 million was what would be ideal to make something tailored specific to theater, what would it be for something more, the reason I'm going to ask this question is.

Councilmember Haaga called a point of order. We are talking about surplusing the old West Jordan Library building.

Mayor Rolfe said please continue.

Councilmember McConnehey said thank you Mayor, my apologies, I lost my train of train of thought a little bit, \$6 million is what would be ideal to build something specifically tailored for theater, our arts groups haven't been using something top of the line, they been ok to use things like the community room, or the old rock church, or other venues that aren't necessarily optimal. Do we have an idea of what it would cost to do something similar to perhaps what they have in some of our neighboring cities or just a rough idea of

what it would cost to do something that's an improvement above what they have but not necessarily top of the line \$6 million mark?

Jim Riding said you're asking me to shoot from the hip.

Councilmember McConnehey you wouldn't be shooting from the hip, I hope we'd have a good comparison to what others in the valley have done.

Jim Riding said he hadn't gone out and researched what others in the valley have done, so my guesstimate and I use that word heavily, guesstimate would be that you would be in the neighborhood of probably two and half to three million dollars to build a theater that would probably work for all of the venues that we would want to use it for in the City. Wouldn't be the quality that certainly the consultants would have us design, but can be done.

Councilmember McConnehey said perfect and that's exactly what I was getting for, so my apologizes at my earlier comments came off sounding a little bit sharp, but that rough guesstimate of \$2.5 to \$3 for something middle of the line is exactly what I was looking for thank you.

Mayor Rolfe other questions or comments. He said I have five, just facts and then we will turn it over to the public for public comment.

To be accurate not to argue with my colleagues, but two weeks after the election last year in November I met with Mayor McAdams at Iggy's Sports Grill in Jordan Landing, he had never heard of anybody else talking to him about the library as a potential trade at that time. We are currently spending \$38,950.25 per calendar year for venue rental and storage rental, I asked for this from staff today and received it, keeping the former library which we own would free up at least two offices in this building that are used for storage for different types of equipment, which are vastly needed, it would allow for practice to be done immediately in the former library, not in City Hall, there would be no disruption of any formal meetings, a small stage could be installed that would allow some performances and certainly practice in the former library and something that has been talked about in the year, the Schorr Gallery could have a permanent home for display of art works in the little theater that exists in the former library.

Mayor Rolfe said with that I'll open the public hearing anyone in the public wishing to speak now would be the time, please step forward, state your name and address please.

Rodney Kofed, West Jordan resident, said I have been for the past eighteen years, been the manager of the West Jordan City Band, and proud to work with Dellayne Jessop sitting here who is the director, and a very big power behind our group. I would like, I'm on the Arts Council, I've been a, well let me digress, but I feel from what I've seen that over at the old library that your ideas of it being used for a place to practice is very viable there's room for all parts of the arts to be housed over there, there's room for minimum facilities

for people to come in and watch us, I think that over the eighteen years we've gone from having an attic to work in, to the bowery, the Sugar Factory if you follow it we did a masterful job in setting it up as a theater, we almost had it, it didn't crumble in on us, I'm saying we have a lot of arts, a lot of people with a lot of talent in the arts and Dave Newton being an example of what I'm saying who could take and build this into whatever we wanted. If we wanted to have and here's a big point, if we wanted to have some larger venues to perform at we can probably still use the Viridian, I'm hoping, the parking over there is minimal but we don't a big crowd when we're practicing. Okay I said my thing. Thank you very much.

Mayor Rolfe said 'thank you.' Yes, please come forward.

Celeste Stone, West Jordan resident, I'm also the Chair of the Youth Theater and I have some of my other group members here with us, if you could stand up. First off, I would like to 'Thank You' Mayor Rolfe for taking a, for caring enough about the arts to find us a home, it's very important to us. We as a group would like to ask to use the old library immediately for auditions for Willie Wonka in January 26th and 27th and for rehearsals. Since the City would no longer wishes to have us here for rehearsing the only other option we have is Pioneer Hall, the old Rock Church that you're referring to which will not be okay for 50 children inside of I don't know if you've ever been in there with just five people talking, you can't hear anything, so rehearsing a play in that venue is not going to work for us, obviously we would love to have a home of our own, but this is our immediate need as a group, we also hope that you will make the right decision for our youth in getting us that, that's pretty much all I have. Thanks!

Mayor Rolfe said 'Thank You.'

Dellayne Jessop, West Jordan resident, I'm the Director of the West Jordan City Band and I've been weighting this over in my mind what it that we want okay, we can keep the building that we have and we can practice there, but as far as putting on concerts and things like that the parking is inadequate, there is no parking there that would support our concerts or our theater, in listening to the things that's been said I don't think that we're asking to have a multi-purpose room that would service a practice area and also a performance area those would have to be separate and I done a little study in there and it is possible to build a room that wouldn't interfere with the theater so that we could be practicing at the same time by doing some, I don't know what the word is I'm forgetting, so that we can do the audio part of it, you know we can set up walls that will dampen the sound so that we can both use it at the same time. I would like to see us, if we could come together and if we could, if we could sell the property and we could build something what we really need that's what I'd like to see us to do. We're going to be the second largest City in the State and not very long time, and all of our people here have to go out somewhere else to have the arts experience. All of the cities around us that are smaller have venues and we don't so I'd like to say let's not look at the short term, but let's look at the long term, what is it that we really want, do we really want an arts complex that will serve the community for years to come or are we just going to have a little thing here that

we can practice in but will not serve the purpose of what we'd like to have and what we should have as a City of our size. Thank you.

Mayor Rolfe said 'Thank You.'

Robbie Dalley, Salt Lake resident, been a citizen of West Jordan for a number of years and I've worked with the Theater Arts and Youth Arts for 10-15 years, since we performed plays once a year out in the City park, we seem to be driven time and time again out of having a facility to perform in for the Arts, but we're still performing. As an example we recently did our summer show or our Christmas show we had five days including rehearsals in the space, set-up in the space, four days excuse me you are correct, set-up, rehearse, we had six-hours to load-in, build a set, rehearse, before the cast got to see their set for the first time for the show. That is an unreasonable burdens that you placed on volunteer cast members that freely give of their time. A unique perspective in what I do because of my day job, I'm in arts facilities all over the State every day. I bid on projects, I know how much projects costs. We have \$1,250,000 million sitting right here right now and in West Jordan we tend to study things to death, and we tend to tear things down instead of looking at how we can reuse them. I'm advocating for an Arts Facility and an Arts home, whatever that may be. If the Council decides to sell this building and build somewhere else that's wonderful, but what assurance as an arts community do we have that you will appropriate that money so that it goes to the that arts facility and the next Council comes in and decides that they're going to stop the project in the middle of it and remain unfinished. We have several projects in the City that that way currently including the Ron Wood Ball Fields where money and one Council starts on the project the next Council comes in and decides to reprioritize. It's time for our Arts Council to have a home and the people who have put years of their lives into this to have a facility we can be proud, it does not need to be the Taj Mahal, but we can't practice and performance in the Viridian and perform a quality show, we've done the rodeo arena, we've done the Rock Church, we've been guests in Midvale, we've been everywhere but our own home and this time we get our own home. Thank you.

Mayor Rolfe said 'Thank You.'

Dave Newton, West Jordan resident, four years ago, when we realized the library was going to be vacant, the old library, I put together drawings of possible uses for that and for the past four years I was pushing for that. When I found out that there was interest of somebody to purchase that building which is an odd shape and a would, and when we had that opportunity to maybe take the money from that and build something that would be more suitable to our needs I thought it was something we should explore. So, it is my fault that we are here tonight and I apologize if it's become something more than what we expected. But, I think we have an opportunity and our Arts Council like Robbie just said is concerned that we have something and they would rather take that building that might not work as well and use that rather than have nothing. I think this Council, as I've talked to each you, has a desire to make something happen and we appreciate that and all the work that you've done to get that building, we know has been a lot of work and a lot of

effort and the County has been on our side, I think they would be happy with us taking and making something viable that works for us and works well, and I can think we can do that with whatever, whatever amount of money that you decide to put into that, we have done it with next to nothing, we've spent \$5,000 and made the Sugar Factory a theater that was almost impossible and yet we did it. So, we can take \$1,250,000 million and we can do something that's extremely viable and whatever else you want to put into it would be great. But, if that's all that we can do, that will be fine and if you decide to keep that building, we can make that work too, we want a home and we want to be able to be proud of it, proud of who we are, and all the effort that has gone into all of this over the last 15 years, countless hours and great dedication, and these people are to be commended for all that work and we commend you for what you've done. Give us a home regardless of where it is, I think that selling that is a viable solution and then taking that money, putting it into a structure combining it with monies that we can get from County using our great staff to help with the infrastructure like they did for the Viridian and work some things that way, and I think once we decide that, that this whole group will get on-board and we can have something that we can be proud of. Thank you.

Pat Oliver, West Jordan resident, I started writing notes cause I have early onset Alzheimer, I'm sure that I'll forget everything that I want to say, there's many of us in this room that have been onboard with the theater arts for 20 years, 20 years of our lives, and we felt like sometimes the City Council has just hoped that we just ride out of Dodge and we'd forget everything about our love of arts, but that's not the case, Thank you, Mayor Rolfe, Thank You everyone, Thank You, Mayor Newton, who have worked so long and tirelessly, I'm not on the same page as many of my colleagues on the Theater Arts and the Arts Council, I'm a girl that if the hotel in Las Vegas gives me a roll of quarters, I'll take that roll of quarters home with me, thank you very much, cause I like the sure deal and that's how I feel. I would love another Hale Center Theater in West Jordan, but we don't need one we are getting another great big Taj Mahal in Salt Lake, we've got them all over and I see what's happened in the Farmington Center, Deville area with the new Legacy Theater, it's beautiful but it's not the people's theater anymore. Sandy has the same problem their Arts Council has what one week of access to it in the summer. We can be happy with very little we really can be, I grew up in a littlemeal town on Vancouver Island in British Columbia, we had a community hall where the cedar roof and hard wood floors and we did everything from polish weddings to girl scouts, brownies, plays, musicals, and it worked and it was a very, very simple building. If I really, really thought that we could take this \$1,250,000 and get the ball rolling and get something going before I die in the next five years, I'd say go for it, let's do it and do something lovely. But, I'm really concerned about how long things take to get there, we truly could be happy with very little, we could put a play on in that theater or in that building right now, yes we could, Peter Pan might not fly, but we could make it work but we ask you for your integrity and your honesty to please give us a facility before some of us that have the 20-year investment die, okay seriously, so anyway, Thank You for your time. We love all the effort that you put and the love that you put into West Jordan. But, please give us a facility.

Rosalie Richards, West Jordan resident, as of a couple of years ago, but we lived in West Jordan for 22 years and I love every minute of it in fact I can't go away from the theater arts because I love all the people, but Pat Oliver and I and two other people started this wonderful theater group it's 21-years, starting this year 21-years and were still here because we love so much and I've had people say why do you stick with community you're professional people, why do you stick with this and it's because we love it, it's our passion, we love it, we'll do it in any rinky-dink place or wherever because we love it. John and Tamara Adams, Tamara Adams was the high school drama teacher at West Jordan for years, her husband is an extremely good actor, director, they would come to us and say 'Thank you' people for doing these shows and involving our youth because when we get them at the high school we know that they've had good training, they have learned the joy of theater, the joy of performing, the joy of the arts, and we just love that and let me tell you, I'll just tell you really quick; first nine years we were in the park we slept out in the park every night for like three weeks so our equipment would not be stolen, and I could write a book on the things that happened in that park at night and some are really scary, I'd always be so grateful at the end when we were all still alive. Then we were given the ward next to City hall to share with Gene Fullmer's boxers and then had the ring in the middle of the chapel and we cleaned the bathrooms for them and they helped us bring things in that was a year and a half, then we were then that was torn down, then thanks to the grace of Dave Newton and his expertise and making kind of a silk purse out of a sow's ear, he had the vision that the Sugar Factory that end section where they had the water trucks and worked a million hours with help from other people off and on and people loved that place and it was just rinky-dink, but we loved it, it was a home, we could leave our props there, we didn't have to take down the scenery every night, we didn't have to put things away, we felt safe, we could lock the doors, and then like other people have said everywhere else in-between, then we thought we would get some time at the Viridian Center, which that was all yanked out, okay I'll be winded up, but I'm just like everybody else, please I'm a little bit untrusting because I've been through how many Mayors, and it's not the Mayors, it's everybody, it's because everybody has different ideas, some people would give tons of money to the sports, which they do, the senior citizens get tons of wonderful things, the rodeo was in the red for a million years, we've never been in the red well maybe a little bit, but we're careful and we just appreciate it and we feel like it's when I was on the, the City Arts Council, Arts defines a community it's really true and so we would just love a place so we can continue to give to the community, and Thank You very much.

Mayor Rolfe said 'Thank You,' anyone else wishing to speak on this item, please.

Nathan Eddington, West Jordan resident, I did not have much time to prepare for this meeting, I did not hear about it until today, so my apologize on that, I've been able to sit back and listen to a lot of discussion on your end and a lot of the things people have spoken of and I would like to propose what to me a young, I'mbut, what a young arts person has heard and I would propose to the Council that we build an extension onto the building to make it more realistic shape, whatever is deemed better than a square, square or a triangle and allow that to serve both as a minor storage facility for the City as

well as a rehearsal place for all parts of the arts community with the thoughts and intent that later on when a suitable site was found we would build a performing stage. To me it has sounded as though the community is very content to practice as well as perform for the time being in this facility, having been a manager for a few years I understand the space restrictions and it is for that purpose I suggest an extension onto the building to make it more feasible to store the City equipment and what is allocated there. But, I would say let's keep this building, let's use it as a primarily practice facility and if certain groups are willing to use it as a performance area to let them do so until we can build something as a member McConnehey has said I believe it was you forgive me if I am wrong, something more feasible than the \$6 million, something around the three, two and half, three and half, that would do justice for the Arts. This is my statement I give it to you and I will support what is done. Thank you.

Mayor Rolfe said 'Thanks.'

Michelle Groves, West Jordan resident, a lot of the people who I associate with are here in this room with me and they have said a lot of what has been on my mind tonight. I would just like to add, I have been going back and forth with this, do I want a new car, do I want a used car, I mean a wonderful new building would be wonderful but, I'm sorry your politicians and there's a lack of trust. Where would the money go if you sell it, can you assure us that it will come back and build us an Arts Facility and then I hear about, really that went fast, it scares me to hear about these bigger and better buildings I've seen it around the valley as it was said, the bigger and the better building the more the City is involved the more the red tape. We can't hold auditions this month yet cause we still don't even know if all of our schedules that we have sent in to the City staff, what the master schedule is for the use of the library for auditions and rehearsals this week and because we can't hold auditions we haven't been able to receive royalties, because we don't have a venue we cannot ask for royalties, this has been going on for four of five years and we are getting tired of it. We want a place. Also a new bigger and better place, I worry about the restrictions will be put on us, it's like buying new furniture and putting vinyl all over it and saying 'don't sit on the furniture' we loved the Sugar Factory, we loved sharing it with barn owls, we loved seeing the mice come out during our meetings and enjoy the peanuts with us because it was ours it was our communities place, people would come to the Sugar Factory, oh West Jordan's putting on another show, right now they don't know where our shows are going to be. So, what you decide, I'm sure many of you have already made up your mind and what we're saying here is not going to do a hill of beans, but whatever you do decide don't leave us out in the cold again I feel like I can get a cardboard sign and say please help we need a theater and go stand on the corner, it's been a longtime and we're tired of it, there's promises, yes, you can promise this that, but as Harold Hill told madam librarian 'you pile up enough tomorrows, and you'll find you're left with nothing but a lot of empty yesterdays.' I don't know about you but I'd like to make today worth remembering. Thank you.

Mayor Rolfe said 'Thanks.' Anyone else wishing to speak on this.

Brett Turner, West Jordan resident, my mom was actually one of the one's that helped get this theater started 21-years ago and I have been involved for that long. One of the things that's really difficult that's our current situation is I'm the one that primarily deals with trying to secure a venue with the Jordan School District and it's not easy to work with them in finding the suitable amount of time to get into a school when only one or two schools are willing to allow us to come in and use their facility, for our next show at Joel P. Jensen we can't even bring in our sets and props until tech week which is just three days before a performance and it's difficult for our performers to actually do and work with such a time constraint and then to actually carry in all the equipment and props to each place is difficult to find volunteers, men who are willing to come during the day to pull in that stuff it's hard it's heavy and at Joel P. Jensen we're carrying it down huge flights of stairs that's not easy. I feel that if you guys choose to sell this place that nothing is going to happen after that, that we will be waiting five to six years and then something else will come along and then you'll put us off again. I think we need a facility and I think we can honestly say the Sugar Factory we were able to make it a viable place, we could probably do the same thing with this old library and I hope that you guys will go in favor of that. Thanks.

Mayor Rolfe said 'Thank You.' Anyone else, seeing none we will close the public hearing portion of this item and move to the Council.

Councilmember McConnehey, Thank you Mayor, I will try to be relatively quick, there are five different comments that I wanted to make. First of all there's a lot of, there were a few comments about wanting to have something for the arts group to use right now and the old library would fit that, but I worry that if we were to use that mindset to make our decision we would have our priorities misplaced, I don't want to give up, I'd don't want to accept a solution for a short-term inconvenience for we have a long-term solution that could be far better, I don't want to go with something quick in exchange for giving up something that's better. Number two: It seems like very frequently we try and cobble something together and use it for the use for which it wasn't necessarily intended you look at how many times we had taken something that was originally intended for one thing and use it for something else, we heard with the arts group, let's use the rodeo arena and try and do a play there, or I mean you even look at the park behind us which was once designed to be passive open green space and now we have what's quickly becoming a municipal complex, it's not very often that we get a chance to get have over a million dollars in funding to start from the ground up and design something for its intended use and that's something I would really have a hard time passing up; Number three: We talked about the ability, I believe it was a Bryce earlier mentioned that we may have an opportunity to do both the potential buyer has expressed a willingness to at least enter discussions about letting us use a portion of the old facility while we work out something else, so that seemed hopeful to me that we might have an option to do both and still have that short-term solution but still work for the longer term good. So that gave me pause as well. Next was a comment made by Pat Oliver, but I had a similar conversation with Dave Newton about this one before concerns about building something too big and too grand, I don't think we want a \$6 million complex, I think we want something that's more

local, more that is obviously owned by the community and used by the community, I worry that if we were to go all out and build that perfect facility we would find ourselves in the same conundrum that we're in with the Soccer Complex, with the soccer complex we had a facility that we thought we could use for tournaments because tournaments would bring money, the problem is they don't bring in enough money so it is subsidized by tax dollars so now we have to weigh which do we do, do we do the things that bring in more money or do we let the community use it because it's subsidized by tax payer money, it quite the conundrum, I don't want to find ourselves in that same position with the theater, so I want to build something that's the right size for our community, but I don't want to be extravagant I certainly don't want to go with the \$300 per square foot approach, I'd rather do something more on line with what our arts groups will need and I don't necessarily want to draw in, I don't want something so extravagant that it draws in other interests, I want it to be primarily for the community, I don't want others trying to come after that. Last of all, I can't ...agreed with everybody who expressed a certain amount of distrust with Council I ran for Council because I had a certain amount of distrust for those who are here and now I find myself here as well and I think the speciesism is healthy, I think it is well deserved and I would hope that in a decision that comes from the Council we would take that, take those concerns into mind and while I would advocate selling the library, I would also advocate that in the exact same motion we also direct staff to come back at our next Council meeting with proposals for locations so we can make a decision at our next meeting, and then also be ready to immediately go to RFP for an architect right after that, I would like to see if we could have an architect under contract by spring and have construction well underway before this Council concludes at the end of this year, I don't want to leave any chances that things might be undone, so I'd like to move as quick as possible, I'd also like to direct staff to start tomorrow looking for additional funding. Councilmember Stoker I know has done some work and found a couple of private entities who volunteer funds for the arts that we might be able to partner with, we know there's funding with the County, so I would really like to see us move forward with this to make something specific for the arts groups and I'd like to see us commit to move quickly. Although, we have had intents, disagreements with the facility, I still have a little bit of pause in quite a bit of contentment because I see that everybody in the Council at least that I've spoken with everybody wants to find a home for the arts, it's just a question how do we do it. So, I'm hoping that we'll be in agreement that we sell the old facility and move immediately to start on a new dedicated structure designed specifically for the intent of supporting the arts. That was a little longer than I anticipated, but my apologies, thank you.

Mayor Rolfe said 'go to Council' Councilmember Haaga.

Councilmember Haaga, I appreciate all the art folks that came out and expressed their, their ideas. I'm really the opposite of what Councilman just said I think we have a home, we don't need to sell it, and we can still dream, we can still dream about another facility and keep what we have. The City doesn't need \$1,250,000 million to sit in the bank until we decide let's keep the building decide on what we want to do and then put it up for sale,

let's don't give away something where we have a home, let's don't make our arts folks homeless again. Thanks, Mayor.

Mayor Rolfe said Councilmember Southworth.

Councilmember Southworth well 'thank you, Mayor' and the comments made tonight. A couple of thoughts that come through on my mind as we go through this, really the question is what do we want to do as a community, not as individuals, one person, two-people, but as a community what is it that we want to do and are we looking for I guess fundamentally you know we ask this question not too long ago is this the proper role in government to be doing this. Should be engage in this type of activity and we talked about it last Council meeting about things like festivals and movies in the park and what have you, and that's a really good question, is it or is it not. I could make really strong argument this is not, I could probably make one that it is, and you can also say that this is a function of quality of life and that's usually where I fall down, when it comes to that, there's an aspect of quality of life when you talk about all of these things we're talking about tonight, what we talked about before that you really need to consider in a community and what that means to the community, I think that's what we're talking about tonight, so what is it do we want, do we want practice space only, I heard that tonight, is that enough and if it is for how long and for who, because as soon as we do that one group is going to be happy, one will not, and then wait a week and they will switch places and that's what will happen and so it's real difficult question. We heard a lot of expectations tonight from both on the dais, from citizens, a lot of expectations, a lot of demands, I heard the word 'me' a whole lot, I think we need to use words like 'want' that's a little more realistic in what we want to do. Is anything a guarantee, we talked about mistrust, it anything a guarantee 'no' it not, nothing is. If another recession hits us all bets are off for everything we don't know what that's like, now we're going to try real hard, that has been our intention from the get-go, I think we have some good, a great opportunity if all we want is practice space there's no need to do anything, but I don't think that's what we want, we want something more than that and we have an opportunity for more than just practice space. We can leverage, there's all kind of ideas and ways to do it, we could build, I look at a, this is just an example, if we take the piece of property that's right across the street just east of the, of the museum and we put something there and we build parking space, we know we have not even not close enough parking space for our park, we could....to park funds help built a park because that serves the park and ideas like that, that we could leverage multiple funding sources and do something that is spectacular, not spectacular but what we could use, you know, but the last comment I would make and I am saying I amI think selling the property and building something better is what we should do, but the last comment I would say this 'who is this for' it is not for anyone here tonight, but everyone, if we remember that, that it's for everyone and we approach it in that vein, that this is not a community center, it's not a arts center, it's so the band can play and the theater can perform, and missy's dance school can do their thing, and the baseball team can have a team meeting, and a whatever, it's a community center and arts center it is for everyone, it's not for any of us but for everyone, if we keep that in vein and that's what we work for I think we..... accomplish something great here and that's the

opportunity that I see is before us it's not about an ego, anybody's ego, and getting our name in the paper or being spoke of well in certain circles or what have you, this is about what's good for the whole community. Thank you.

Mayor Rolfe said yes.

Councilmember Stoker said one of the comments that was made in here is that arts define a community, you know we've spent the last year or two trying to go through a branding strategy and trying to rebrand us, we've spent money on parade floats, we've spent money all over the place to show that we're a legit serious City, yet our performing arts people perform in Midvale because that's where the nearest theater is, a lot of the comments that we hear tonight really comes down to trust and a little bit and desperation and I think it is time that we prove that we are a First Class City and have an arts facility that truly defines our community.

MOTION: Councilmember Stoker moved to approve Resolution 15-02, declaring the Property surplus to the City's needs, authorizing and directing the Mayor to sign the attached Real Estate Purchase Contract (the "Contract") after the buyer's name and bid amount have been inserted, after it has been fully executed by the buyer and after is has been approved as to legal form by the City Attorney, and authorizing the City's Real Estate Services Manager to close the transaction according to the terms of the Contract. Also, direct staff to come back at a later date with a budget amendment to move the funds into a Capital Support fund, and that we earmark that money for design and construction of a new Arts Facility; and further that we decide upon a location within two weeks at our Strategic Planning meeting, and we proceed to hire an architect as soon as feasible. The motion was seconded by Councilmember McConnehey

Mayor Rolfe said we have a motion and a second. Discussion to the motion.

Councilmember Haaga point of clarification Mayor, if I can ask a question of the City Attorney.

Mayor Rolfe you have the floor.

Councilmember Haaga, Jeff is not the law of our Code, state that the sale of surplus property needs to go into the General Fund.

Jeff Robinson said the Code, I can just quote the Code, the Code say's that the money shall be credited to the fund Sundry Account its 31-1-14.

Councilmember Haaga said based, our own Ordinance is telling us where to put the fund.

Jeff Robinson said it is, but.

Jeff Haaga you think we can override that with this motion.

Ryan Bradshaw said I think what we would have to do is come back with a budget amendment. That would go into the General Fund, we'd come back with a budget amendment to move that money into the Capital Support Fund, that would have to be a different motion as far as the budget amendment and another public hearing, which we're probably going to do in February anyway, so we would put that as part of that, and that money would be moved by February.

Councilmember Stoker said then I'd amend my motion, so that rather than depositing it in Capital Support Fund, that we come back at a later date to make that budget adjustment, to move that money into Capital Support as appropriate.

Councilmember McConnehey said his second will still stand.

Councilmember Nichols said I want to thank the public for coming, believe it or not you look like maybe I wasn't paying attention, I was writing notes furiously on my I-pad, ...my heads down a lot cause I typing everyone down, and there are a lot of comments that I'm reviewing over each one and I seeing that common theme, that that the arts wants a home and I remember Robbie used that specific term 'arts wants a home' and I agree I think it needs to be done, I think we have an opportunity here, there's no question that I'd be a fan of this idea, I like the idea of rather, I guess, I don't remember how stood up at the end here, but someone indicated that we need to think long-term not short-term, we need to think beyond tomorrow, we need to think beyond the horizon. And I tend to think that way I don't even like to think about tomorrow, I like to think about 10-years from now where do we want to be that's the way my mindset is, and the thing that hasn't come up tonight is one different point that you have not heard and that is of economic development. It seems like a weird place to bring that up but I think this piece is critical for West Jordan's future, and I think we can make it grand. I don't think making it a clause is going to work, and you look at if we make money to retrofit what we have that's money that we spend towards something new and make it even grander, and therefore that's where I will be on this item, I speak in favor of the motion.

Mayor Rolfe acknowledged Councilmember Haaga.

Councilmember Haaga said I just like to speak opposing the motion and make one point, I want cultural arts in our City I believe our City deserves it we need it, if we're going to be a first class City we need cultural arts, but we need to start somewhere, I'm opposed to moving the money, I think if the building doesn't sell, we just keep staying in it, but we can still proceed with a new one, but I'm opposed to this motion just because we have a home now. Thank you.

Mayor Rolfe said I also will speak against the motion. In my tenure here at the City I've defended and proposed three tin sheds working first with the former Mayor Newton on the first one, there's been money funded before from Council's for construction of a new one that never got built, we have something now at zero cost to the City, I think it's been stated clearly that there is a need for this building just from the arts perspective and if there's a need it's not surplus at this time, and I believe that it would be against City policy to surplus this building right now it sets a precedence that I don't want to be a part of and I spoke hard against keeping this facility until such time as we generate enough matching funds to work with the County and get a County approval to build a magnificent theater, and like I stated earlier according to the experts \$5.2 million is a basic theater without storage. Now I was shocked too, this is going to take a long time to generate two and half million dollars in our budget to get matching funds and then we still have to go through the approval process at the County to get the matching funds and we have the need and the need is not surplus. Let's vote.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 5-2.

Mayor Rolfe said I believe before we do anything tomorrow there's going to be a challenge from a citizensgroup, a legal challenge, so before we do anything let's just wait and see. Okay, I just want to make that clear.

MOTION: Councilmember Southworth moved to take a five-minute recess. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

The Council took a recess at 8:10 p.m. and reconvened at 8:20 p.m.

Bryce Haderlie acknowledged Representative Kim Colman for her participation with the Prison Relocation Committee Group (PRC) and all of her efforts she made with other Legislators, Legislation, and the PRC. He also thanked her for the treat she brought to share with Council and staff.

Mayor Rolfe acknowledged Councilmember McConnehey.

Councilmember McConnehey had a quick clarification regarding a comment that was made just prior to the recess. He said the Mayor made the comment that that he would like to direct staff to hold off on anything with the transaction or with the Resolution that was just passed pending a potential lawsuit against the City. I just like to voice my opposition to that, I would prefer that we forward unless we have an order from a judge stating otherwise, I would prefer that we move immediately.

Councilmember Stoker said I concur.

Mayor Rolfe said please do it. I was just giving a warning.

Councilmember Southworth said I was thinking that should probably go unsaid anyway because that's the will of the Council is full steam ahead as we normally would.

Councilmember Haaga suggested that maybe staff needed to go behind closed doors since it was a legal matter.

Jeff Robinson said if there is imminent litigation pending or threatened then certainly we can go into a closed session, if the Council's desires to do that.

VII. BUSINESS ITEMS

Mayor Rolfe moved Business Item 7.C forward for discussion.

BUSINESS ITEM 7.C.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-04, ESTABLISHING A POLICY ON HIRING PRACTICES FOR THE CITY OF WEST JORDAN

Bryce Haderlie provided the following information in the Council's agenda packet. There was no formal written policy on how positions would be advertised and filled in the City. An informal directive from the Council had set the precedent that all positions would be advertised internally and externally. While the staff had followed this Council position for the past couple of years, the Council had asked that this subject be revisited.

With approximately 50% of all positions being filled internally through this hiring process and recognizing that preparing existing employees to advance with knowledge and a history of organization was in the City's best interest, a resolution had been prepared to formalized the process.

The ability for employees to prepare themselves through education, experience, and mentoring to take on additional responsibility was in the best interest of the City and the morale of employees. The Council wanted to ensure that internal candidates were adequately prepared for the role and that unqualified candidates were not promoted due to political influence or internal bias. Internal candidates who meet the minimum job

requirements would be considered for the position but would not be guaranteed the promotion.

The language contained in the resolution was intended to formalize the activities going forward and evaluate how it is working throughout the City at six-months and then a year before deciding if it should be included in the Employee Policy Manual.

The policy and resolutions intends to strike a balance that will actually save the City money over advertising every position externally.

Staff recommended the Council consider the resolution that places the responsibility with the department director and Human Resources department (HR) to determine when it is best to advertise internally or externally.

Mayor Rolfe asked questions from Council. Doesn't look like it; a motion would be in order.

Councilmember Nichols said 'Thank you, Mayor', maybe a comment or perhaps it will roll right into a motion. Really there's some proposed language in there, when I looked at them word by word really there were only two sentences that were different in the two that are there. Of the two, I would prefer the language that's in Option 2, and I would actually support the change, historically this changed over the last couple years because every position we had in the City was just being advertised internally and the only positions that went external were entry levels and the frustration on the Council at the time and I was part of that was that there were many qualified candidates outside the City who wanted to be employed here and didn't have an opportunity unless they started at the ground level and as a result the policy was changed. I would be a proponent of this change because it does one thing I think our policy before was a little overboard, it's where everything had to go out of house, I think it's more than appropriate at times when we have not just, I want to use this very carefully because I don't want to offend any City staff, I value our City staff, but there are times when we might have a qualified individual who is on City staff who would like a promotion, but may just be getting by, just doing the job not excelling in the job, I hope that makes sense, this is more of a generality I don't have any specifics, and so when I look as we go out to bid for a new position I am thrilled when we have highly qualified, excitable, excelling, candidates on City staff, and I'd like to open that up to those candidates who are excelling in their job, to be able to continue with the City and have encouragement to stay, but at the same time I would like to open that opportunity for City staff to not have to always go out to bid in those cases. When they have one candidate, or two or three, on their staff who they know will not just meet expectations but will excel and exceed our expectations I'd like to provide that opportunity to them to make internal hires. This policy basically changes it to providing a three-day window in which they can review candidates, but what I also like is this, is the fact that it is a collaboration between the hiring individual, or the department and Human Resources to get together and see whether the candidates will be sufficient or whether we should open it up and I really think we should. Last Council meeting we had someone

come here who was for the sake of them, and I won't bring it up now, but she indicated in this meeting that she was afraid of our police officers who were being taken away by other entities. If we go to a policy where we go too far and we just hire internal only, I think we would make that worse and by hiring out of house and keeping that option open we encourage people to come. So I just like this idea of latitude it's somewhere in between historically we, in old times, two, three years ago old and beyond we just said internal only, we've gone completely the other way where we said always we look internally and externally and I'd like to just see us somewhere in the middle, somewhere in the middle where we can keep the best option available in every circumstance and therefore I like Option 2.

MOTION: Councilmember Nichols moved to adopt Resolution 15-04, confirming the intended process to fill positions within the City of Jordan, with Option 2. The motion was seconded by Mayor Rolfe.

Mayor Rolfe asked for discussion to the motion.

Mayor Rolfe acknowledged Councilmember McConnehey.

Councilmember McConnehey said 'Thank you Mayor' I will oppose the motion because in that first section "The Department Head and HR Department will consider internal applicants prior posting the job externally" I really don't like the idea of focusing, I think we are focusing too much internally. I agree with Councilmember Nichols that there are many internal applicants that would be well suited for the job, but I worry that due to timing constraints or projects that may be coming up Department Heads may resort to this because well it's the quickest and easiest thing to do plus it makes it more difficult for them to tell their own employees 'no' and I think they would only go internally if there was an efficiency in their own group and we'd get somebody qualified yes, we may not have the best possible candidate, the other thought is if we go both internal and external our folks here who have already been with the City for a while they already have a leg up on the competition, they already know the people they'd be working with, they already know the systems, they already have experience with them, so they naturally have an advantage and this would go to validate that were making the right choice by if we do select somebody internally. I think by saying that we look internally first and making that a matter of written policy, we're doing ourselves a disservice as well as the employees, I cannot support Option 2.

Mayor Rolfe spoke in favor of the motion because what's been happening as we replace positions within our City is Human Resources gets bogged down in having multiple applications on every job and I've seen time and time again after multiple interviews we end up promoting the person that was already at the City in that position. It's not fair in my opinion to the employees that apply for that job that have spent their time here at the City and it's not fair to those who have hopes and dreams outside of the City spending their time on applying for a job that really it goes to the City employee anyway. In an

effort to expedite and I've seen the backlog at the Human Resource level, I believe that this motion is the right one at this point in time.

Mayor Rolfe acknowledged Councilmember Hansen.

Councilmember Hansen said 'Thank you Mayor' I am on the Interviewing Committee, Monday, for our assistance, Administrative Assistance, I have just looked through the I have seven or eight here, there's one internal the rest are external. We've only got one internal person that feels that they could fill that position.

Mayor Rolfe acknowledged Councilmember Southworth.

Councilmember Southworth said 'Thank you, Mayor' I struggle with this because I can see both sides of the coin and what we want to accomplish whereas we have employees institutional knowledge and experience and just these things that nobody else would know about a city, and where all the little skeletons are, and what have you, and know how to get done, and I don't mean the skeletons in a bad way, it's usually a bad, well the good and the bad, so it's true both ways let's just put it that way, but also on the flip side we've all been new somewhere and we think we bring something good to the table and so it's always a good I think it's a good mix to bring in with that institution knowledge and experience in one city, maybe bringing knowledge a different way and maybe fresh ideas from somewhere else, I think it's a good mix, having it just one way or just the other is bad, you know you're gonna hurt yourself and so I want to try to strike that middle ground if you will and I think we're getting really close I have just a couple sentences in here that maybe I personally would strike out, maybe the first sentence of the procedural part that '3 day window thing' as an employee I think you have a leg up anyway on any job, if you were already an internal employee, so I think you already have an advantage from that regard, but I would just like to see simply a policy that will help us find that middle ground that we can retain the best of the best that we have, but also bring in the new ideas and fresh people to energize and let's bring somebody in from say the A, B, and C that have learned things over there that we can benefit from and vice versa, if somebody leaves our City to go somewhere else, good for them if that's the best thing for them and their family and the situation that they are in because somebody else is leaving some other city to come here. It's just the way it is, we all do it... and if we can strike that balance, so maybe if I can suggest a possible, I don't know if this gets us there maybe amendment to the motion maker, I guess Councilmember Nichols under procedures that first sentence if we could strike that and just start off with: 'When job openings or promotion opportunities are posted: a) interested employees...etc., etc.....' I think

Councilmember Haaga said 'point of order' Mayor.

Councilmember Southworth said Councilmember McConnehey had mentioned a sentence in the first part too, I don't know if he wants to speak up. But, I don't know if you'd be interested if you'd be willing to strike that as part of your motion.

Councilmember Nichols said I'm not really sold on the '3 days' idea. I'm looking at the verbiage of the same paragraph; you're suggesting removing the procedure paragraph the first sentence, there'd have to be a little part at the end of that paragraph that would have to be, because it talks about an internal posting period.

Councilmember McConnehey said Mayor, if I might make afor Councilmember Southworth or Nichols if you might consider it appropriate to at least temporarily withdraw the motion so that we can have a little bit better conversation regarding what's on the table.

Mayor Rolfe said it was up to Councilmember Nichols but the only second and this is the minimum, I would second, so.

Councilmember Nichols said I'll withdraw the motion.

Mayor Rolfe said you withdraw.

Councilmember Nichols said yes.

Mayor Rolfe said okay.

Mayor Rolfe acknowledged Councilmember McConnehey.

Councilmember McConnehey said I do like some of the aspects, there's varied aspects of the two proposal that I do like, I do like the idea of posting internally but before the job goes external, I'd like to make sure that we have plenty of notice for the folks that are already with the City as to what potentially could become available, and I do want to give them first chance to apply. Second it doesn't really say anything about it in here, but I'd also like to, I don't know if guarantee is too strong of a word, but I'd like to make sure that anybody internally posting for another position is given an interview so they can make their case or so that they can find out what the deficiencies are or what skills they need to bring up so that next time a position becomes available we're actively using these opportunities to help prepare them for that promotion. With those two things I still think that we should post primarily both internally and externally, I lean towards the verbiage of the first option because it doesn't say we will consider internally applicants first, I'd honestly would prefer to strike that whole comment about what we can, who we can consider first and I'd also suggest that we strike the statement that says: 'Unless outside recruitment is considered to be in the City's best interest, we prefer to promote from within our organization.' I think that could be a deterrent to inviting the best external candidates to apply.

Councilmember Southworth said what was that first sentence you were striking at.

Melanie Briggs said 'Objective.'

Councilmember McConnehey said both of these are the Objective section.

Councilmember Southworth said the first sentence.

Melanie Briggs said the second sentence under 'Objective.'

Councilmember McConnehey said page three of the electronic version, 'Unless outside recruitment is considered to be in the City's best interest, we prefer.....I would suggest that we get rid of that, and then also that second sentence after that 'We will generally consider internal applicants prior to posting the job externally,' I would prefer that we give them the opportunity and we post it internally so they have more time to apply, but I think we put our managers and our department heads in a really awkward position because we say, you have to look at your own folks first and then if that falls short then if that falls short then you can look outside it's going to be very difficult for department managers to keep motivated employees if he's posting externally because they would know under this policy that they were found to be inefficient. I think that puts our department heads in a really awkward position. So, I guess way you look at it, I'd keep the last statement that we're required that the EEOC statement, and then also, post internally first, and then still post both internally and externally, the other thing Mayor brought up a couple good points, HR constraints when we're hiring sometimes they become inundated I would suggest that if we have an HR issue we need to look for an HR solution rather than a hiring solution. I think we need to fix that process at the process of going applications through HR is problematic, second I'd also suggest that the external candidates we're not necessarily guarantying that they'll have an interview or even a phone conversation we're just willing to take their applications, as the department head looks over that again they already know the people they're working with internally if they see that there's nothing coming in from outside that even comes close to matching what their internal folks have, then there's no reason to waste time interviewing these other folks. And I think I'll hold my tongue. Thank you.

Mayor Rolfe said if I can just make a statement. In many of our positions within the City it takes a new applicant a minimum of a year even to learn the area of our City, and the overabundance of employees would be in that category, so when you hire somebody that hasn't worked within our City, just that alone lends itself because of the non-familiarity with the layout of our City it should I believe well you already know where I stand.

Mayor Rolfe acknowledged Councilmember Southworth.

Councilmember Southworth said let me take a stab at a motion. Help me out if I miss something that we talked about.

MOTION: Councilmember Southworth moved to make the following amendments to Option 2: striking sentence two from the Objectives beginning where it says: 'The Department Head.....' and ending where it says 'minimum qualifications of the job' that entire sentence;

also striking sentence one from the Procedure beginning with 'Job openings and promotions..... ending with 'minimum three (3) days,' and removing the last portion of that first paragraph of the procedure beginning with 'b) the HR department' down to 'posting period'; bring this back as a Consent Item at our next Council meeting. The motion was seconded by Councilmember McConnehey.

Councilmember Southworth said did I miss anything that we talked about.

Councilmember Stoker said one extra thing at the very last part of that first paragraph and procedure where it talks about 'after the internal posting period' I just need to remove that if you're going to remove the three day period.

Councilmember Southworth said, and including that section, that's the last of the Procedure, the first paragraph of Procedures, right.

Melanie Briggs clarified the correct section (b) Councilmember Southworth was referring to.

Councilmember Southworth clarified removing the last portion of the first paragraph under Procedure beginning with '(b) the HR department' down to 'posting period' bring this back as a Consent Item at our next Council meeting.

Melanie Briggs said so then you're not approving the Resolution.

Councilmember Southworth said not approving it tonight bringing it back, so we have time to review and we'd have another bite of this apple if we need to. That is the motion.

Bryce Haderlie said can I just confirm the intent of that procedure then is, just can you tell me in your mind what the intent is.

Councilmember Southworth said the intent is that, I think Councilmember McConnehey said it and Councilmember Nichols thatgo back and listen to what they said, that we are giving a preference to both internal and external equally.

Bryce Haderlie said we'll make sure we polished.....

Mayor Rolfe said I need a point of clarification. What will be, why would we need to adopt this, why don't we just keep what we have currently, you're changing it right back to, it's not anymore specific to what we have right now.

Bryce Haderlie said maybe I should point out, we don't have anything in writing for an actual procedure at this point in time, as I spoke with Jon Gardner, HR Manager, he pointed out that in prior years the HR Manager would talk with the department head that was doing the hiring they would decide whether they needed to advertise internally,

externally and he said about 50 percent of the employees were hired externally and 50 percent internally, he couldn't tell me the exact number of the advertisements that they made, but he said believe it or not and this wasn't actually counting anything out, he said so then direction was given to please advertise everything, so that we were always making sure we were getting the best candidate as possible, so the cost of our advertising and everything when up and he say's and we look back and about 50 percent of our employees are hired internally and 50 percent are hiring externally we've just increased the cost and the time to go through that, so he expressed his feelings that he didn't believe that we really add a different outcome, but there was a perception obviously that by advertising that way we were always giving the full swath, so I would say this, you don't have to adopt anything and you could just say: Look Bryce go back and work with your HR staff to be a little more open and let's test it out see how it is and give us a report back on what you're seeing, and we can do that after a period of time because there is nothing in writing now, or this just puts it in written form that we can all hang our a little more formal, but what I'm hearing is maybe some people feel that it's stripping too much out of it, that we've not really changed it so...

Mayor Rolfe said I think the current policy is exactly what we're trying to put in writing so I guess why

Councilmember Southworth said and I wouldn't disagreed it's exactly the same, but it just formalizes it and now whether we're comfortable with that or not the thing that, and that's why I say let's take this back for the next Council meeting we have an opportunity to think about it some more to look at it again, and maybe we're not getting it right here, I don't know, but we're making it on the fly, I think we should take the time to look at it again. The one thing that gives me comfort is the last paragraph under Eligibility say's that 'discretion is given to the City manager to make exceptions when deemed necessary' and that gives me comfort that when we have an exceptional candidate that is internally that decision can be made and that latitude is there, and so I find that exception comforting, but general rule is that we outta look for the best candidate whether that is internal, external, for the betterment of the City and the taxpayer's of the City.

Mayor Rolfe acknowledged Councilmember Haaga.

Councilmember Haaga said Mayor since this involves the lives of our employees I value we have 500, I think it deserves and I'll agree with Councilmember Southworth that it's gone convoluted tonight, I think if we could reanalyze it, but I'm, my position is, our employees are always the first and most companies do look within first before they go out but I think it's too convoluted tonight, my recommendation would be let's reanalyze it, but remember the value of our employees, first.

Councilmember Hansen said we have a motion on the table.

Melanie Briggs said we don't have a second.

Councilmember McConnehey said that started off as a motion by Councilmember Southworth, but then we had clarification, clarification, comments.

The Council asked for clarification.

Councilmember Southworth let me clarify again.

The motion was restated by Melanie Briggs.

Councilmember McConnehey seconded the motion.

Mayor Rolfe said we have a motion and a second. Discussion to the motion.

Mayor Rolfe acknowledged Councilmember Haaga.

Councilmember Haaga said Mayor; I move that we have this printed up.

Mayor Rolfe said well that's a substitute motion.

Councilmember Haaga said because I don't know the motion is.

Melanie Briggs clarified that what his motion was to change this, it's not being approved tonight; she asked does that make sense.

Councilmember Haaga said that's what I wanted to see. Appreciate it.

Mayor Rolfe said discussion to the motion; I will just say that we just keep kicking the can down the road, further every time, we just keep jamming up the agenda. Let's vote.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 5-2.

The Council agreed to move Business Item 7.D forward.

VIII. BUSINESS ITEMS
BUSINESS ITEM 7.D

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-05, APPOINTING MAYOR PRO TEMPORE FOR 2015

Bryce Haderlie said Section 1-7B-3 of the City of West Jordan Municipal Code authorizes the City Council to appoint a Mayor Pro Tempore. It was up to the Council to determine who would serve in this position for 2015 Calendar year. This decision must be made in a public meeting. A resolution had been prepared for Council approval.

For the Council's reference, listed below were the Council Members names and the years they were appointed to serve as Mayor Pro Tempore:

- 2009 – Councilmember Kim Rolfe
- 2010 – Councilmember Ben Southworth
- 2011 – Councilmember Jim Lems
- 2012 – Councilmember Chad Nichols
- 2013 – Councilmember Clive Killpack
- 2014 – Councilmember Justin Stoker

Councilmember Nichols thanked Councilmember Stoker for his year of service as Mayor Pro Tempore.

Councilmember Nichols nominated Councilmember Hansen as Mayor Pro Tempore.

Councilmember Hansen said she would accept the nomination but asked to remain in her current place on the dais.

The Council discussed the seating arrangement including reading the Rules and Procedures since Councilmember Hansen wanted to remain in her seat.

Councilmember Stoker questioned why it mattered.

MOTION: Councilmember Nichols moved to adopt Resolution 15-05, appointing Councilmember Hansen as Mayor Pro Tempore for 2015. The motion was seconded by Councilmember Southworth.

Councilmember McConnehey reminded the Council that should Councilmember Hansen decide not to seek re-election or was not re-elected the Council could be without a Mayor Pro Tempore.

Councilmember Haaga indicated that should that happen, Mayor Pro Tempore would go to the Council Member with the longest tenure on the Council.

A roll call vote was taken

Councilmember Haaga

Yes

Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

MOTION: Councilmember McConnehey moved to proceed with Business Item 7.B. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

BUSINESS ITEM 7.B

DISCUSSION AND POSSIBLE ACTION REGARDING UPDATE FROM THE SUSTAINABILITY COMMITTEE

Steve Glain introduced Tom Griffith, Chair of the Sustainability Committee.

Tom Griffith, Sustainability Committee Chairman, said the Sustainability Committee appreciated the opportunity to serve the City and for making time for this report. They especially appreciate those City Council members who attended their monthly meetings and provided feed-back on the projects they studied and helped to guide their work. The committee's desire was to address only those issues that were pertinent to the Council and help to meet City goals and objectives. Committee officers for 2014 were Tom Griffith Chairman; Zach Jacob, Vice Chair, and Lyle Summers, Secretary.

He said in keeping with their responsibility as outlined in amended Ordinance 12-17, dated June 27, 2012, the Committee had spent considerable time and effort evaluating the adoption of LED technology for city lights along our streets, in our parks and other public spaces. Committee members provided input to the investment analysis that estimated the return on investment and payback aspects of the project's economic and financial feasibility. They also met three times with City Public Works staff to give input to the Request for Proposal (RFP) process as well as the impact the LED change-out project could have on the Strategic Plan directives, e.g. imaging, safety, economic development, property values, infrastructure to support growth, etc.

Earlier in the year the Committee reviewed several proposals for converting City vehicles to compressed natural gas and other alternative fuel sources. It was determined that wholesale conversions were currently not feasible. Water conservation was an ongoing objective for the City and our committee had been monitoring the progress of the City's water conservation plan update and provided comments on the draft.

Additional issues addressed by the committee:

- Funding sources for maintenance of parks and other open spaces
- Utility fee increases

- SCADA system for water management
- Transfer of funds from solid waste to storm drains

The Sustainability Committee preferred to focus on a small number of projects that would help Council reach its goals for the City. Some ideas for areas of committee focus were as follows:

1. **Be more engaged in the upcoming budget process** beginning when the City Manager's proposed budget becomes available. The Committee held several discussions on how we can be of more help to the City Council in this regard. The Committee felt they needed to have the opportunity to learn from City Council and staff what major problems the City was facing with regard to meeting the citizen directives in the Strategic Plan. With this information the committee would be in position to explore related environmental and budgetary issues.
2. **Revisit the alternative fuel vehicles issue periodically** to address changes in technology that may tip the balance to improving the feasibility of switching to CNG, hybrids and/or electric.
3. Follow progress on implementing the best management practices and projects contained in the City's **Water Conservation Plan**.

He said Committee member appreciated the opportunity to serve on this important committee and for the support the Council had provided. **He requested Council's direction on the three areas of focus shown above and welcomed any additional directives the Council may have for them.** He said the Committee was looking forward to further assignments and opportunities to assist the Council and staff in moving West Jordan to becoming a great City.

Staff recommended that the City Council provide direction and identify top priority issues that the Sustainability Committee could research during 2015, related to financial and environmental sustainability.

Councilmember Haaga asked the following questions:

- Who was assigned as Council liaison
- Are you willing to assist with the budget

Tom Griffith indicated they had multiple in attendance Councilmembers Stoker, McConnehey, and Hansen. He also reported that they would assist with the budget.

Councilmember Haaga wanted to see the Sustainability Committee involved in the budget items that involve the sustainability of the City. He thought residents with a financial background could also be involved.

Councilmember Nichols would like to see if the Sustainability Committee could identify cost saving in identifying energy efficient solutions.

Councilmember Hansen agreed that it was important to have the Sustainability Committee involved with the budget process.

Councilmember McConnehey said historically when it was budgeting season the bulk of the budget was broken apart, the utility fees and various increases. He said there was quite a bit of complexity that goes into that with so many different scenarios, so many different questions that everyone in the Council seemed to have, so he wanted to direct the Sustainability Committee to become more engaged in that specific aspect of the budget. This information could be brought back to the Council closer to budget time.

Councilmember Haaga volunteered his services to help the Sustainability Committee.

Councilmember Stoker called a point of order. He said that committee assignments were determined during the Strategic Planning Session.

Councilmember Haaga reported that by law any Councilmember could attend any committee meeting.

MOTION: Councilmember Nichols moved to suspend the Council rules and continue the meeting past 9:00 p.m. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	No
Mayor Rolfe	No

The motion failed 2-5.

MOTION: Councilmember Haaga moved to adjourn. The motion was Councilmember Stoker.

Councilmember McConnehey wanted to make sure there was nothing under the Consent Items that needed to be addressed at this time.

Bryce Haderlie asked Wendell Rigby whether Consent Item 5.c. needed to be address immediately.

Wendell Rigby indicated that Consent Item 5.c. was pressing, but would defer to the Council.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Southworth	No
Councilmember Stoker	No
Mayor Rolfe	Yes

The motion passed 4-3.

BUSINESS ITEM 7.A.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-03, CONFIRMING THE APPOINTMENT OF BRYCE HADERLIE AS CITY MANAGER

This item was not discussed.

BUSINESS ITEM 7.E.

OPEN MEETING LAW TRAINING

This item was not discussed.

V. CONSENT ITEMS

5.a Approve the minutes of December 17, 2014 as presented

5.b Consider participating in the Utah Transportation Coalition, a group comprised of the Utah League of Cities and Towns, Utah Association of Counties, and the Salt Lake Chamber, and authorize staff to proceed with an expenditure in an amount not to exceed \$3,000.00

5.c Approve Resolution 15-01, authorizing the Mayor to execute a contract with Cody Ekker Construction, Inc. for removal and upsizing of Road Culverts along Bingham Creek at 1300 West and 4000 West in an amount not to exceed \$1,139,330.00

5.d Approve Ordinance 15-01, amending the 2009 West Jordan Municipal Code Title 2, Chapter 10, regarding the Design Review Committee

Consent items 5.a. through 5.d. were not discussed.

IX. REMARKS

There were no additional remarks.

X. ADJOURN

The meeting adjourned at 9:05 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 28th day of January 2015